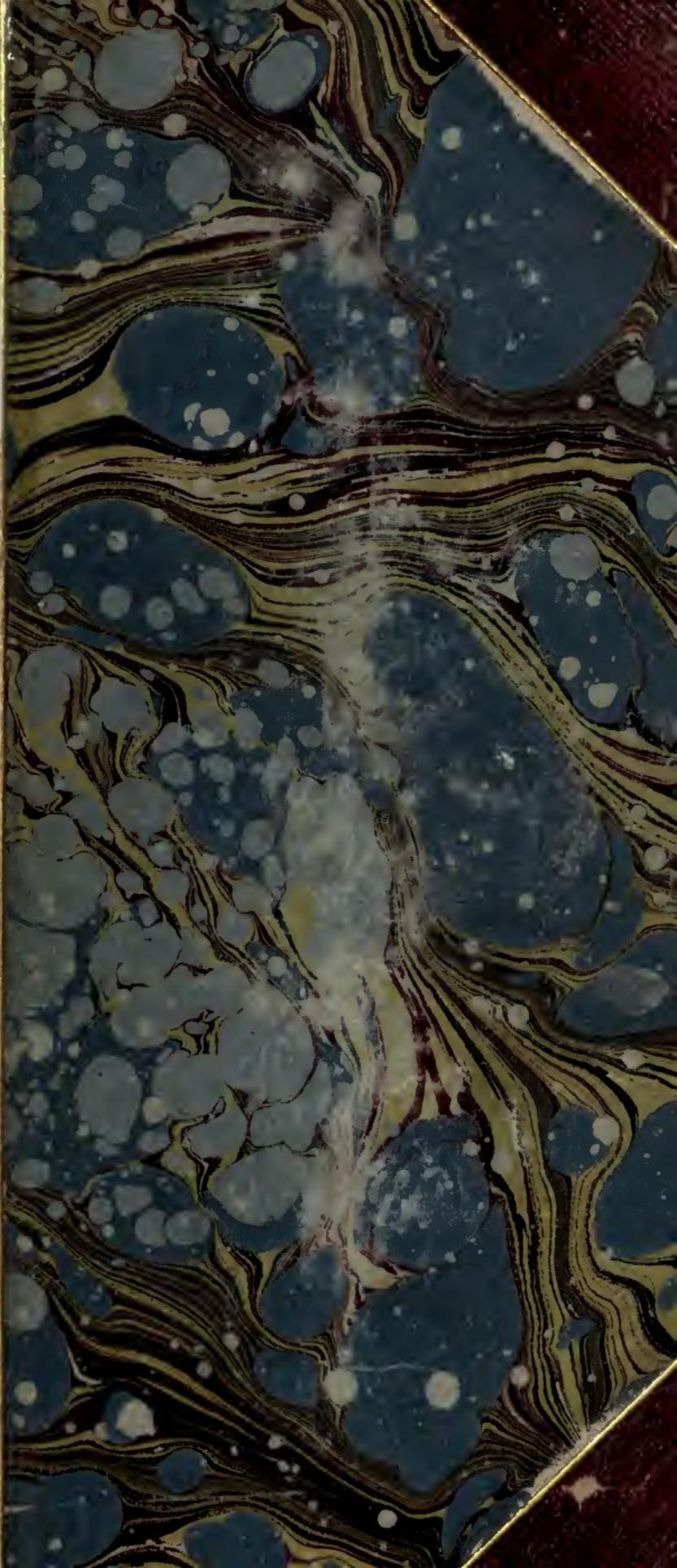


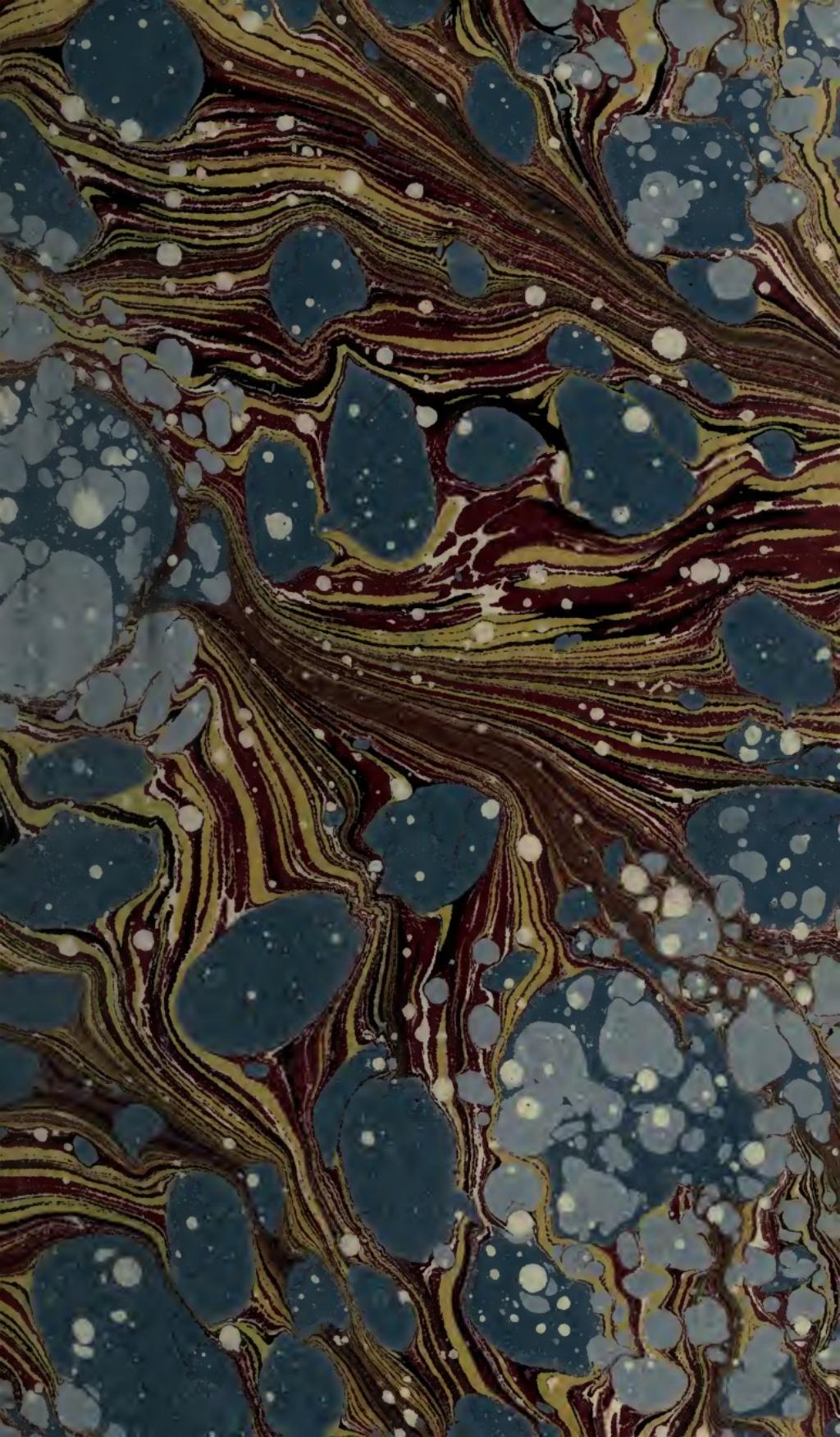


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Alfred Mellor Watkin.





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ERATED TRIALS,  
AND  
Remarkable Cases  
OF  
CRIMINAL JURISPRUDENCE.  
FROM  
THE EARLIEST RECORDS  
TO  
THE YEAR 1825.

"The Annals of Criminal Jurisprudence exhibit human nature in a variety of positions, at once the most striking, interesting, and affecting. They present tragedies of real life, often heightened in their effect by the grossness of the injustice, and the malignity of the prejudices which accompanied them. At the same time real culprits, as original characters, stand forward on the canvas of humanity as prominent objects for our special study. I have often wondered that the English language contains no book like the *Causes Celebres* of the French, particularly as the openness of our proceedings renders the records more certain and accessible, while our public history and domestic conflicts have afforded so many splendid examples of the unfortunate and the guilty. Such a collection, drawn from our own national sources, and varied by references to cases of the continental nations, would exhibit man as he is in action and in principle, and not as he is usually drawn by poets and speculative philosophers."

BRAKE.

IN SIX VOLUMES.

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# REMARKABLE TRIALS,

AND

## CELEBRATED CRIMINALS

### CAPTAIN BARTHOLOMEW ROBERTS,

#### THE PIRATE.

IN the latter part of the seventeenth and beginning of the eighteenth centuries, previously to the decided ascendancy of the British navy, every sea was infested with pirates, under different flags. They originated in the Atlantic, in the narrow policy of the Spaniards, in regard to the intercourse with their colonies; and to baffle this colonial system other nations winked at, and even countenanced these lawless freebooters, who, first tolerated as buccaniers, afterwards turned their arms against ships of all nations. The history presented in the following article, serves as a specimen of the entire race:—

Roberts was second mate of a slave trader, but being captured by a pirate of the name of Davis, who commanded the Rover, he became one of his active men, and, on his leader being killed in an action with the Portuguese, he was elected commander of the piratical vessel, in 1720.

According to Johnson, in his Lives of the Pirates Roberts was proposed as successor to Davis over a bowl, in a speech to the following effect:—

“ That it was not of any great signification who was dignified with the title; since, really and in truth, all good governments, and among them theirs, had the supreme power lodged with the community, who might doubtless depute and revoke as suited interest or humour. We are the original of this claim (says he,) and should a captain be so saucy as to exceed prescription at any time, why down with him! It will be a caution after he is dead to his successors, of what fatal consequence any sort of assuming may be. However, it is my advice, that, while we are sober, we pitch upon a man of courage, and skilled in navigation, one who, by his council and bravery, seems best able to defend this common-wealth, and ward us from the dangers and tempests of an instable element, and the fatal consequences of anarchy; and such a one I take Roberts

to be: a fellow, I think, in all respects worthy your esteem and favour."

This speech, says Johnson, was loudly applauded by all but one *lord* Sympson, who had secret expectations himself, and who, on this disappointment, grew sullen, and left them, swearing, he did not care who they chose captain, so it was not a papist: for against them he had conceived an irreconcileable hatred, because his father had been a sufferer in Monmouth's rebellion.

The first exploit of Roberts was to attack and burn a Portuguese fort, after which he attacked the town with his ship's guns. Putting to sea they captured several vessels, Dutch and English, sometimes content with plunder, and at others taking out the crew and sinking the prize. Soon after they fell in with a fleet of forty-two sail of Portuguese ships, off the bay of Los todos Santos, with all their lading for Lisbon, several of them of good force; Roberts thought he would make his market among them, and mixing with the fleet, keeping his men concealed, and coming close along side one of the deepest laden, he ordered her to send the master on board quietly, and threatening to give them no quarter, if any resistance, or signal was made. The Portuguese, being surprised at the sudden flourish of the cutlasses of the pirates, submitted without a word, and the captain came on board: Roberts saluted him after a friendly manner, telling him, that they were gentlemen of fortune, and that their business with him, was only to be informed which was the richest ship in that fleet; and if he directed them right, he should be restored to his ship without molestation, otherwise, he must expect immediate death. Whereupon this Portuguese master pointed to one of forty guns, and 150 men, a ship of greater force than the Rover; but this no ways dismayed them; they were *only* Portuguese, they said, and so immediately steered away for her. When they came within hail, the master whom they had prisoner was ordered to ask, how signior capitain did? And to invite him on board, for that he had a matter of consequence to impart to him; which being done, he returned for answer, That he would wait upon him presently: but

by the bustle that immediately followed, the pirates perceived they were discovered, and this was only a deceitful answer to gain time to put their ship in a posture for defence ; so, without further delay, they poured in a broadside, and boarded and grappled her : the dispute was short and warm, wherein many of the Portuguese fell, and two only of the pirates. By this time the fleet was alarmed, signals of top-gallant sheets were flying, and guns fired to give notice to the men of war, who rode still at an anchor, and made but scurvy haste out to their assistance ; and, if what the pirates themselves related be true, the commanders of those ships were blameable to the highest degree, utterly unworthy their title, or so much as the name of men : for Roberts, finding the prize to sail heavy, and yet resolving not to lose her, lay by for the headmost of them, which much out sailed the other, and prepared for battle, which was ignominiously declined, though the Portuguese was of such superior force ; for not daring to venture on the pirate alone, he tarried so long for his consort, that he gave them both time leisurely to make off.

They found this ship exceeding rich ; being laden chiefly with sugar, skins, and tobacco, and 4000 moidores in gold ; besides chains and trinkets, of considerable value ; particularly a cross set with diamonds, designed for the king of Portugal ; which they afterwards presented to the governor of Guyana, by whom they were obliged.

Elated with this booty, they had nothing now to think of but some safe retreat, where they might give themselves up to all the pleasures that luxury and wantonness could bestow ; and for the present they pitched upon a place called the Devil's Islands, in the river of Surinam, on the coast of Guyana, where they arrived, and found the civilest reception imaginable, not only from the governor and factory, but their wives, who exchanged wares, and drove a considerable trade with them.

They seized a sloop in this river, and by her gained intelligence, that a brigantine had also sailed in company with her, from Rhode-Island, laden with provisions for the coast. A welcome cargo, for they

were growing short in sea stores. One evening, as they were rumaging their mine of treasure, the Portuguese prize, this unexpected vessel, was descried at mast-head, and Roberts, imagining nobody could do the business so well as himself, takes forty men in the sloop, and goes in pursuit of her ; but a fatal accident followed this rash though inconsiderable adventure, for Roberts, thinking of nothing less than bringing in the Brigantine that afternoon, never troubled his head about the sloop's provision, nor enquired what there was on board to subsist such a number of men. Out he sailed after his expected prize, which he not only lost further sight of, but, after eight days contending with contrary winds and currents, found they were thirty leagues to leeward. The current still opposing their endeavours, and perceiving no hopes of beating up to their ship, they came to an anchor, and inconsiderately sent away the boat, to give the rest of the company notice of their condition, and to order the ship to them ; but too soon, even the next day, their wants made them sensible of their infatuation ; for their water was all expended, and they had taken no thought how they should be supplied, till either the ship came, or the boat returned, neither of which was likely to be under five or six days. Here, like Tantalus, they almost famished in sight of fresh streams and lakes ; being drove to such extremity at last, that they were forced to tear up the floor of the cabin, and patch up a sort of tub or tray with rope yarns, to paddle ashore, and fetch off immediate supplies of water to preservelife.

After some days, the long-wished-for boat came back, but with the most unwelcome news in the world, for Kennedy, who was lieutenant, and left, in the absence of Roberts, to command the privateer and prize, was gone off with both. This was mortification with a vengeance, and we may imagine they did not depart without some hard speeches from those that were left, and had suffered by their treachery.

And now, seeing the disadvantages they were under for pursuing the account, viz. a small vessel ill repaired, and without provisions or stores, they resolved one and all, with the little supplies they could get, to proceed to the West Indies, not doubting to find a

remedy for all those evils, and to retrieve their loss. In the latitude of Deseada, one of the Islands, they took two sloops, which supplied them with provisions and other necessaries ; and then proceeded to Barbadoes, off which Island they fell in with a Bristol ship, and after they had detained her three days, let her go. This vessel being bound for the above said island, she acquainted the governor with what had happened, as soon as she arrived

Upon this, a Bristol galley was fitted out with all imaginable expedition, with twenty guns, and eighty men ; there being then no man of war upon that station ; and also a sloop with ten guns, and forty men. The galley was commanded by one captain Rogers, of Bristol, and the sloop by captain Graves, of that island, and captain Rogers, by a commission from the governor, was appointed commodore.

The second day after Rogers sailed out of the harbour, he was discovered by Roberts, who, knowing nothing of their design, gave them chace ; the Barbadoes ships kept an easy sail till the pirates came up with them, and then Roberts gave them a gun, expecting they would have immediately struck to his piratical flag ; but instead thereof, he was forced to receive a broadside, with three huzzas at the same time. An engagement ensued, in which Roberts, being hardly put to it, was obliged to croud all the sail the sloop would bear, to get off ; the galley sailing pretty well, kept company for a long while, keeping a constant fire, which galled the pirate ; however, at length, by throwing over their guns, and other heavy goods, and thereby lightening the vessel, they with much ado got clear ; but Roberts could never endure a Barbadoes man afterwards, and when any ships belonging to that island fell in his way, he was more particularly severe to them than others.

Thus narrowly escaped, they sailed for Newfoundland, and arrived upon the banks the latter end of June, 1720. They entered the harbour of *Trepasi*, with their black colours flying, drums beating, and trumpets sounding. There were two and twenty vessels in the harbour, which the men all quitted upon the sight of the pirate, and fled ashore. It is impos-

sible particularly to recount the destruction and havock they made here, burning and sinking all the shipping, except a Bristol galley, and destroying the fisheries, and stages of the poor planters, without remorse or compunction ; for nothing is so deplorable as power in mean and ignorant hands ; it makes men wanton and giddy, unconcerned at the misfortunes they are imposing on their fellow creatures, and keeps them smiling at the mischiefs that bring themselves no advantage. They are like mad men, that cast fire-brands, arrows, and death, and say, are not we in sport ?

Roberts manned the Bristol galley he took in the harbour, and mounted sixteen guns on board her ; afterwards cruising out upon the banks, he met with nine or ten sail of French ships, all which he destroyed except one of 26 guns, which they seized, and carried off for their own use, this ship they christened the Fortune, and leaving the Bristol galley to the Frenchmen, they sailed away in company with the sloop, on another cruize.

July 16, which was two days afterwards, they took a Virginiaman, which they plundered and let go. The next day a snow, from Bristol, met with the same fate from them ; as also a brigantine and a sloop. They took all the men out of the brigantine and sunk the vessel.

When they left the banks of Newfoundland, they sailed for the West Indies ; and the provisions growing short, they went for the latitude of the island De-seada, to cruize, it being esteemed the likeliest place to meet with those ships that (as they used in their mirth to say) were consigned to them with supplies. And it has been very much suspected, that ships have loaded with provisions at the English colonies, on pretence of trading on the coast of Africa, when they have, in reality, been consigned to them ; and though a shew of violence was offered to them when they met, yet they were pretty sure of bringing their cargo to a good market.

However, at this time they missed of their usual luck ; and provisions and necessaries becoming more scarce every day, they retired towards St. Christopher's, where, being denied all succour or assistance

from the government, they fired, in revenge, on the town, and burnt two ships in the road, one of them commanded by captain Cox, of Bristol. They then retreated farther, to the island of St. Bartholomew, where they met with much handsomer treatment ; the governor not only supplying them with refreshments, but he and the chiefs caressing them in the most friendly manner ; and the women, from so good an example, endeavoured to outvie each other in dress, and behaviour, to attract the good graces of such generous lovers, that paid well for their favours.

Sated, at length, with these pleasures, and having taken on board a good supply of fresh provisions, they sailed for Dominica, where they took a Dutch interloper of twenty-two guns and seventy-five men, and a brigantine belonging to Rhodes Island, of which one Norton was master. The former made some defence, till some of his men being killed, the rest were disengaged and struck their colours. With these two prizes they went down to Guadaloupe, and brought out a sloop and a French fly-boat laden with sugar ; the sloop they burnt and went on to Moonay, another island, thinking to clean ; but finding the sea ran too high there to undertake it with safety, they bent their course for the north part of Hispaniola; where, at Bennet's Key, in the Gulf of Saminah, they cleaned both the ship and the brigantine.

They passed some time here, after they had got their vessel ready, in their usual debaucheries ; they had taken a considerable quantity of rum and sugar, so that liquor was as plentiful as water, and few there were who denied themselves the immoderate use of it ; nay, sobriety brought a man under a suspicion of being in a plot against the commonwealth, and in their sense, he was looked upon to be a villain that would not be drunk. This was evident in the affair of Harry Glasby, chosen master of the Royal Fortune, who, with two others, laid hold of the opportunity at the last island they were at, to move off without bidding farewell to his friends. Glasby was a reserved sober man, and therefore gave occasion to be suspected, so that he was soon missed after he went away. A detachment being sent in quest of these deserters,

they were all three brought back again the next day. This was a capital offence, for which they were ordered to be brought to an immediate trial; Glasby was acquitted, but his two companions were executed.

When they put to sea again, the prizes, which had been detained only for fear of spreading a rumour concerning them, a thing that had likely to have been so fatal at Corvoco, were thus disposed of, they burnt their own sloop, and manned Morton's brigantine, sending the master away in the Dutch interloper, not dissatisfied.

With the Royal Fortune and the brigantine, which they christened the Good Fortune, they pushed towards the latitude of Descada, to look out for provisions, being very short again; and, just to their wish, Captain Hingstone's ill fortune brought him in their way, being richly laden for Jamaica; him they carried to Berbudas and plundered; then stretching back again to the West Indies, they continually met with some consignment or other, (chiefly French,) which stored them with plenty of provisions, and recruited their starving condition; so that stocked with this sort of ammunition, they began to think of something worthier their aim; for these robberies, that only supplied what was in constant expenditure, by no means answered their intentions; and accordingly they proceeded again for the coast of Guinea, where they thought to buy gold dust very cheap. In their passage thither they took numbers of ships of all nations, some of which they burnt or sunk, as the carriage or character of the masters displeased them.

Notwithstanding the successful adventures of this crew, yet it was with great difficulty they could be kept together under any kind of regulation; for being almost always mad or drunk, their behaviour produced infinite disorders, every man being in his own imagination a captain, a prince, or a king. When Roberts saw there was no managing of such a company of wild ungovernable brutes by gentle means, nor any method of keeping them from drinking to excess, which was the cause of all their disturbances, he put on a rougher deportment, and a more magisterial carriage towards them; correcting whom he thought

fit ; if any seemed to resent his usage he told them they might go ashore and take satisfaction of him, if they thought fit, at sword and pistol, for he neither valued nor feared any of them.

About four hundred leagues from the coast of Africa the brigantine, who had hitherto lived with them in all amicable correspondence, thought fit to take the opportunity of a dark night and leave the Commodore.

The loss of the brigantine was a sensible shock, she being an excellent sailor, and having seventy hands aboard : however, Roberts, who was the occasion of it, put on a face of unconcern at this his ill conduct and mismanagement, and resolved not to alter his purposes upon that account.

Roberts fell in to windward near the Senegal, a river of great trade for gum, on this part of the coast, monopolized by the French, who constantly kept cruizers to hinder the interloping trade. At this time they had two small ships on that service, one of 10 guns and 65 men, and the other of 16 guns and 75 men ; who having got a sight of Mr. Roberts, and supposing him to be one of these prohibited traders, chaced with all the sail they could make, to come up with him ; but their hopes, which had brought them very nigh, too late deceived them : for on hoisting of Jolly Roger, which was the name they gave their black flag, their French hearts failed and they both surrendered without any, or, at least, with very little resistance. With these prizes they went into Sierra-Leone, and made one of them their consort, by the name of the Ranger, and the other a store ship, to clean by.

Sierra-Leone river disgorges with a large mouth, the starboard side of which draughts into little bays, safe and convenient for cleaning and watering.

Hither Roberts came about the end of June, 1721, and had intelligence that the Swallow and Weymouth, two men of war, of fifty guns each, had left that river about a month before, and designed to return about Christmas ; so that the pirates could indulge themselves with all the satisfaction in the world, in that they knew they were not only secure whilst there, but that in going down the coast, after the men of war, they should always be able to get such intelligence

of their rendezvous, as would serve to make their expedition safe. So after six weeks' stay, the ships being cleaned and fitted, and the men weary of feasting and drinking, they bethought themselves of business, and went to sea the beginning of August, taking their progress down the whole coast, as low as Jaquin, plundering every ship they met, of what was valuable in her, and sometimes, to be more mischievously wicked, they would throw what they did not want overboard, accumulating cruelty to theft.

In this range, they exchanged their old French ship, for a fine frigate-built ship, called the Onslow, belonging to the Royal African Company, Captain Gee commander, which happened to lie at Sestos, to get water and necessaries, for the company. A great many of captain Gee's men were on shore when Roberts bore down, and so the ship was consequently surprized into his hands, though had they been all aboard, it was not likely the case would have been otherwise, the sailors, most of them, voluntarily joining the pirates, and encouraging the same disposition in the soldiers, who were going passengers with them to Cape-Corso Castle. Their ears being constantly tickled with the feats and gallantry of those fellows, made them fancy, that to go, was only being bound on a voyage of night errantry, to relieve the distressed, and gather up fame, and so they likewise offered themselves; and here the pirates where at a stand, they entertained so contemptible a notion of landmen, that they put them off with refusals for some time, till at length being wearied with solicitations, and pitying a parcel of stout fellows, who, they said, were going to starve upon a little canky and plantain, they accepted of them, and allowed them a quarter share, as it was then termed, out of charity.

The pirates kept the Onslow for their own use, and gave Captain Gee the French ship; and then fell to making such alterations as might fit her for a sea rover; pulling down her bulk heads, and making her flush; so that she became, in all respects, as complete a ship for that purpose, as any they could have found; they continued to her the name of the Royal Fortune, and mounted her with forty guns.

She and the Ranger proceeded (as we said before) to Jaquin, and from thence to Old Calabar, where they arrived about October, in order to clean their ships. This place was the most suitable along the whole coast ; for there is a bar with not above fifteen foot water upon it, and the channel intricate ; so that had the men of war been sure of their being harboured here, they might have still bid defiance to their strength ; for the depth of water at the bar, as well as the want of a pilot, was a sufficient security to the rovers, and invincible impediments to them. Here therefore they sat easy, and divided the fruits of their dishonest industry, and drank and drove care away. The pilot, who brought them into this harbour, was Captain L——e, who for this, and other services, was extremely well paid, according to the journal of their own account, which does not run in the ordinary and common way, of *Debtors contra Creditors*, but much more concise, lumping it to their friends, and so carrying the debt in their heads, against the next honest trader they meet.

They took at Calabar Captain Loane, and two or three Bristol ships, the particulars of which would be an unnecessary prolixity. We therefore come now to give an account of the usage they received from the natives of this place. The Calabar negroes did not prove so civil as they expected, they refused to have any commerce or trade with them, when they understood they were Pirates : an indication that these poor creatures, in the narrow circumstances they were in, and without the light of the gospel, or the advantage of an education, had, notwithstanding, such a moral innate honesty, as would shame the most knowing christian : but this did but exasperate these lawless fellows, and so a party of forty men were detached to force a correspondence, or drive the negroes to extremities ; and they accordingly landed under the fire of their own cannon. The negroes drew up in a body of 2000 men, as if they intended to dispute the matter with them, and staid till the pirates advanced within pistol-shot ; but finding the loss of two or three made no impression on the rest, the negroes thought fit to retreat, which they did with some loss : the pirates set fire to

the town, and returned to their ships. This terrified the natives, and put an entire stop to all intercourse between them, so that they could get no supplies, which obliged them, as soon as they had finished the cleaning and trimming of their ships, to lose no time, but depart for Cape Lopez, where they watered; and at Anna-Bona took on board a stock of fresh provisions, and then sailed for the coast again.

This was their last and fatal expedition, which we shall be the more particular in, because it cannot be imagined that they could have had the assurance to have undertaken it, but upon a presumption that the men of war, (whom they knew were upon the coast,) were unable to attack them, or else, pursuant to the rumour that had indiscretionaly obtained at Sierra-Leone, were gone thither again.

It is impossible at this time, to think they could know of the weak and sickly condition they were in, and therefore, we may suppose, they founded the success of this second attempt upon the coast, on the latter presumption ; and this seems to be confirmed by their falling in with the coast as low as Cape Labou, (and even that was higher than they designed,) in the beginning of January, and taking the ship called the King Solomon, with twenty men, in their boat, and a trading vessel, both belonging to the company. The pirate ship happened to fall about a league to leeward of the King Solomon, at Cape Apollonia, and the current and wind opposing their working up with the ship, they agreed to send the long-boat, with a sufficient number of men to take her : the pirates are all volunteers on these occasions, the word being always given, who will go ? And presently the staunch and firm men offer themselves ; because, by such readiness, they prove their courage, and have an allowance also of a suit of clothes, from head to foot, out of the prize.

They rowed towards the King Solomon with a great deal of alacrity, and being hailed by the commander of her, answered defiance. Captain Trahern, before this, observing a great number of men in the boat, began not to like his visitors, and prepared to receive them, firing a musket as they came under his stern, which they returned with a volley, and made greater

speed to get on board : upon this, he applied to his men, asked them, whether they would stand by him, to defend the ship, it being a shame they should be taken by half their number, without any repulse? But his boatswain, Philips, took upon him to be the mouth of the people, and put an end to the dispute ; he said plainly, he would not fight, laid down his arms in the king's name, as he was pleased to term it, and called out to the boat for quarters ; so that the rest by his example, were misled to the losing of the ship.

When they came on board, they brought her under sail, by the expeditious method of cutting her cable ; Walden, one of the pirates, telling the master, that the heaving up the anchor would be a needless trouble, when they designed to burn the ship. They brought her under Commodore Roberts's stern, and only rifled her of what sails, cordage, &c. they wanted for themselves, but wantonly threw the goods of the company overboard, like spendthrifts, that neither expected nor designed any account.

On the same day also they took the Flushing, a Dutch ship, robbed her of masts, yards, and stores, and then cut down her fore-mast ; but what sat as heavily as any think with the skipper, was, their taking some fine sausages, he had on board, of his wife's making, and stringing them in a ludicrous manner round their necks, till they had sufficiently shewn their contempt of them, and then they threw them into the sea. Others chopped the heads of his fowls off, to be dressed for their supper, and courteously invited the landlord, provided he would find liquor. It was a melancholy request to the man, but it must be complied with, and he was obliged, as they grew drunk, to sit quietly, and hear them sing songs out of his Dutch prayer-books, with other prophaneness, that he (though a Dutchman) stood amazed at.

In chasing too near in, they alarmed the coast, and expresses were sent to the English and Dutch factories, giving an account of it : they were sensible of this error immediately, and, because they would make the best of a bad market, they resolved to keep out of sight of land, and lose the prizes they might expect between that and Whydah, to make the more sure of

that port, where commonly is the best booty ; all nations trading thither, especially Portuguese, who purchase chiefly with gold, the idol their hearts were bent upon. Yet, notwithstanding this unlikely course, they met and took several ships between Axim and that place ; the circumstantial stories of which, and the panic terror they struck into his majesty's subjects, being tedious and unnecessary to relate, we shall pass by, and come to their arrival in that road.

They came to Whydah with a St. George's ensign, a black silk flag flying at their mizen-peak, and a jack and pendant of the same. The flag had a death on it, with an hour glass in one hand, and cross bones in the other, a dart by it, and underneath a heart dropping three drops of blood. The jack had a man pourtrayed on it, with a flaming sword in his hand, and standing on two skulls, with many other strange signs and bloody symbols, sufficient to fill the boldest heart with terror. Here they found eleven sail in the road, English, French, and Portuguese ; the French were three stout ships, of thirty guns, and upwards of 100 men each ; yet when Roberts came to fire, they, with the other ships, immediately struck their colours, and surrendered to his mercy. One reason, it must be confessed, of his easy victory was, that the commanders and a good part of the men were on shore, according to the custom of the place, to receive the cargoes, and return the slaves ; they being obliged to watch the seasons for it, which otherwise, in so dangerous a sea as this, would be impracticable. These all, except the Porcupine, ransomed with him for eight pound of gold-dust a ship, not without the trouble of passing or repassing from the shore, before they could settle it ; and, notwithstanding the agreement and payment, they took away one of the French ships, though with a promise to return her, if they found she did not sail well, taking with them several of her men for that end.

Some of the foreigners, who never had dealing this way before, desired, for satisfaction to their owners, that they might have receipts for their money ; which were accordingly given ; a copy of one of them we have here subjoined, *viz.*

This is to certify whom it may or doth concern, that we gentlemen of fortune, have received eight pounds of gold-dust, for the ransom of the Hardey, Captain Dittwitt commander; so that we discharge the said ship.

Witness our hands, this  
13th of Jan. 1721-2.

BART. ROBERTS  
HARRY GLASBY.

But there was something so singularly cruel and barbarous done here to the Porcupine, Captain Fletcher, as must not be passed over without special remark.

This ship lay in the road, almost slaved, when the pirates came in; and the commander, being on shore settling his accounts, was sent to for the ransom, but he excused it, as having no orders from the owners; though the true reason might be, that he thought it dishonourable to treat with robbers; and that the ship, separate from the slaves, towards whom he could mistrust no cruelty, was not worth the sum demanded. Hereupon, Roberts sends the boat to transport the negroes, in order to set her on fire; but being in haste, and finding that unshackling them would cost them much time and labour, they actually set her on fire, with eighty of these poor wretches on board, chained two and two together, under the miserable choice of perishing by fire or water. Those who jumped overboard from the flames, were seized by the sharks, which are very common in this road, and, in their sight, torn limb from limb alive. A cruelty unparalleled! and for which, had every individual been hanged, few could have thought that justice had been rigorously executed.

The pirates, indeed, were obliged to dispatch their business here in haste, because they had intercepted a letter from general Phips to Mr. Baldwin, the royal African company's agent at Whydah, giving an account that Roberts had been seen to windward of Cape Three Points, that Baldwin might the better guard against the damages to the company's ships, if she should arrive at the road before the Swallow man of war, which he assured him, at the time of that letter, was pursuing them to that place. Roberts called up his company, and desired they would hear Phips's speech, (for so he was pleased to call the letter,) and, notwithstanding

standing their vapouring, persuaded them of the necessity of moving ; ‘ for,’ says he, ‘ such brave fellows cannot be supposed to be frightened at this news, yet we must all own, that it were better to avoid dry blows, which is the best that can be expected if we are overtaken.’

This advice weighed with them, and they got under sail, having staid only from Thursday to Saturday night, and at sea they voted for the island of Anna-Bona ; but the winds hanging out of the way, crossed their purpose, and brought them to Cape Lopez, where we shall leave them for their approaching fate, and relate some further particulars of his majesty’s ship the Swallow, viz. where it was she had spent her time, during the mischief that was done, and by what means she was unable to prevent it ; what also was the intelligence she received, and the measures thereon formed, that at last brought two such strangers as Mr. Roberts and captain Ogle to meet, in so remote a corner of the world.

The Swallow and Weymouth left Sierra-Leone, May 28, where, we have already taken notice, Roberts arrived about a month after, and doubtless learnt the intent of their voyage, and cleaning on the coast. This made him set down with more security to his diversion, and furnished him with such intimations, as made his first range down the coast, in August following, more prosperous ; the Swallow and Weymouth being then at the port of Princes, cleaning.

Their stay at Princes was from July 28 to Sept. 20, 1721, where by a fatality, common to the irregularities of seamen, who cannot in such cases be kept under due restraints, they buried 100 men in three weeks’ time, and reduced the remainder of the ships’ companies to so sickly a state, that it was with difficulty they brought them to sail ; and this misfortune was probably the ruin of Roberts, for it prevented the men of war going back to Sierra-Leone, as it was intended, there being a necessity of leaving his Majesty’s ship Weymouth (in much the worse condition of the two) under the guns of Cape Corso, to impress men, being unable at this time, either to hand the sails, or weigh her anchor. Now Roberts being ig-

norant of the occasion or alteration of the first design, fell into the mouth of danger, when he thought himself the farthest from it ; for the men of war did not endeavour to attain further to windward, when they came from Princes, but to secure the Cape Corso Road under their lee, and thus luckily hovered in the track he had took.

The Swallow and Weymouth fell in with the Continent at Cape Apollonia, Oct. 20th, and there received the ungrateful news from one captain Bird ; a notice that awakened and put them on their guard ; but they were far from expecting any temerity should ever bring him a second time on the coast, while they were there ; therefore, the Swallow having seen the Weymouth into Cape Corso road, Nov. 13th, she plied to windward as far as Bassam, rather as an airing, to recover a sickly ship's company, and shew herself to the trade, which was found every where disturbed, than to chase the pirate. Every thing being quiet, they were returning to their consort, when accidentally meeting a Portuguese ship, she told them, that the day before, she saw two ships chase an English vessel into Junk, which she believed must have fallen into their hands. On this story, the Swallow clung her wind, and endeavoured to gain that place, but receiving soon after, viz Oct. the 14th, a contrary report from captain Plummer, an intelligent man, in the Jason of Bristol, who had come further to windward, and neither saw nor heard any thing of this, she turned her head down the second time, anchored at Cape Apollonia the 23d, at Cape Tres Puntas the 27th, and in Corso Road, January the 7th, 1721-2.

They learned that their consort, the Weymouth, was, by the assistance of some soldiers from the castle, gone to windward, to demand restitution of some goods or men belonging to the African company, that were illegally detained by the Dutch at Des Minas ; and while they were regretting so long a separation, an express came to general Phips, from Axim, on the 9th, followed by another from Dixcove, an English factory, with information that three ships had chased and taken a galley, near Axim Castle, and a trading boat belonging to the company. No doubt was made

concerning what they were, it being taken for granted they were pirates, and supposed to be the same that had the August before infested the coast. The natural result therefore, from these two advices, was, to hasten for Whydah ; for it was concluded the prizes they had taken, had informed them how high the Swallow was, and withal, how much better in health than she had been for some months past ; so that, unless they were very mad indeed, they would, after being discovered, make the best of their way for Whydah, and secure the booty there, without which, their time and industry had been entirely lost, most of the gold lying there.

The Swallow weighed from Cape Corso, January the 10th, but was retarded by waiting some hours on the Margaret, a company's ship, at Agra, again on the Portugal, and a whole day at Apong, on a person they used to style Miss Betty ; a conduct that Mr. Phips blamed, when he heard the pirates were missed at Whydah, although he had given it as his opinion, that they could not have passed by, and intimated that to stay a few hours would prove no prejudice.

This, however, hindered the Swallow's catching them at Whydah, for the pirates came into that road, with a fresh gale of wind, the same day the Swallow was at Apong, and sailed the 13th of January from thence, she arriving the 17th. She gained notice of them by a French shallop from Grand Papa, the 14th night, and from Little Papa next morning, by a Dutch ship ; so that the man of war was on all sides, as she thought, sure of her purchase, particularly when she made the ships, and discovered three of them to get under sail immediately at sight of her, making signals to one another, as if they designed a defence ; but these were found to be three French ships, and those at anchor, Portuguese and English, all honest traders, who had been ransacked and ransomed.

This disappointment chagrined the ship's company, who were very intent upon their market ; which was reported to be an arm chest full of gold, and kept with three keys ; though, in all probability, had they met with them in that open road, one or both would have made their escape : or if they had thought fit to

have fought, an emulation in their defence, would probably have made it a desperate matter.

While they were contemplating on the matter, a letter was received from Mr. Baldwin, governor here for the company, signifying, that the pirates were at Jaquin, seven leagues lower. The Swallow weighed at two the next morning, January the 16th, and got to Jaquin by day-light, but to no other end than frightening the crews of two Portuguese ships on shore, who had struck such terror at Whydah: she returned therefore that night, and having been strengthened with thirty volunteers, English and French, the discarded crews of the Porcupine, and the French ship they had carried from hence, she put to sea again, January the 19th, conjecturing that either Calabar, Princes, the River Gabone, Cape Lopez, or Annabona, must be touched at for water and refreshment, though they should resolve to leave the coast. As to the former of those places, we have before observed, it was hazardous to think of it, or rather impracticable; Princes had been a sour grape to them, but being the first in their way, she came before the harbour the 29th, where learning no news, without losing time, they steered for the river Gabone, and anchored at the mouth of it February the 1st.

This river is navigable by two channels, and has an island about five leagues up, called Papaguay's or Parrots, where the Dutch cruizers for this coast generally clean, and where sometimes pirates come in to look for prey, or to refit, it being very convenient, by reason of a soft mud about it, that admits a ship lying on shore, with all her guns and stores in, without damage. Hither captain Ogle sent his boat and a lieutenant, who spoke with a Dutch ship above the island, from whom he had this account, viz. that he had been four days from Cape Lopez, and had left no ship there. However, they beat up for the Cape, without regard to this story, and on the 5th, at dawning, were surprised with the noise of a gun, which, as the day brightened, they found was from Cape Lopez Bay, where they discovered three ships at anchor, the largest with the king's colours and pennant flying, which was soon after concluded to be Mr.

Roberts and his consorts. The Swallow being to windward, and unexpectedly deep in the Bay, was obliged to steer off, for avoiding a sand, called the Frenchman's Bank, which the pirates observing for some time, and rashly interpreting it to be fear in her, righted the French Ranger, which was then on the heel, and ordered her to chase out in all haste, bending several of her sails in the pursuit. The man of war finding they had foolishly mistaken her design, humoured the deceit, and kept off to sea, as if she had been really afraid, and managed her steerage so, under the direction of lieutenant Sun, an experienced officer, as to let the Ranger come up with her, when they thought they had got so far as not to have her guns heard by her consort at the Cape. The pirates had such an opinion of their own courage, that they never could dream any body would use a stratagem to speak with them, and so were the more easily drawn into the snare.

The pirates now drew near enough to fire their chase guns ; they hoisted the black flag that they wore in the Whydah Road, and got their sprit-sail yard along-ships, with intent to board ; no one having ever asked all this while, what country ship they took the chase to be ; they would have her to be a Portuguese, sugar being then a commodity among them, and were swearing every minute at the wind or sails, to expedite so sweet a chase ; but, alas ! all turned sour in an instant. It was with the utmost consternation they saw her suddenly bring to, and hawl up her lower ports, now within pistol shot, and they struck their black flag upon it directly. After the first surprise was over, they kept firing at a distance, hoisted it again, and vapoured with their cutlasses on the poop ; though wisely endeavouring at the same time to get away. Being now at their wits' end, boarding was proposed by the heads of them, and so to make one desperate push ; but the motion not being well seconded, and their main-top-mast coming down by a shot, after two hours' firing, it was declined. They grew sick, struck their colours, and called out for quarters ; having ten men killed outright, and twenty wounded, without the loss or hurt of one of the

king's men. The Ranger had 32 guns, was manned with 16 Frenchmen, 10 negroes, and 77 English. The colours were thrown overboard, that they might not rise in judgment, nor be displayed in triumph over them.

While the Swallow was sending their boat to fetch the prisoners, a blast and smoke was seen to pour out of the great cabin, and they thought they were blowing up; but upon enquiry afterwards, they found that half a dozen of the most desperate, when they saw all hopes fled, had drawn themselves round what powder they had left in the steerage, and fired a pistol into it; but it was too small a quantity to effect any thing, more than burning them in a frightful manner.

This ship was commanded by one Skyrme, a Welchman, who, though he had lost his leg in the action, would not suffer himself to be dressed, or carried off the deck; but, like Widrington, fought upon his stump. The rest appeared gay and brisk, most of them with white shirts, watches, and silk vests; but the gold dust belonging to them was most of it left in the Little Ranger in the Bay, this company's proper ship, with the Royal Fortune.

We cannot but take notice of two, among the crowd of those disfigured from the blast of powder just before mentioned, viz. William Main and Roger Ball. An officer of the ship seeing a silver call hang at the waist of the former, said to him, I presume you are boatswain of this ship; then you presume wrong answered he, for I am boatswain of the Royal Fortune, captain Roberts, commander. Then Mr. Boatswain you will be hanged I believe, replied the officer. That is as your honour pleases answered he again, and was for turning away: but the officer desired to know of him, how the powder which had made them in that condition, came to take fire. By G——, said he, they are all mad and bewitched, for I have lost a good hat by it (the hat and he being blown out of the cabin gallery into the sea.) But what signifies a hat, friend, said the officer.—Not much, answered he. The men being busy in stripping him of his shoes and stockings, the officer enquired further of him, whether Roberts's company were all as likely fellows as these.—

'There are 120 of them (answered he) as clever fellows as ever trod shoe leather: would I were with them. No doubt of it, replied the officer.—By G—, it is naked truth, answered he, looking down and seeing himself by this time quite stripped.

The officer then approached Roger Ball, who was seated in a private corner, with a look as sullen as Winter, and asked him how he came blown up in that frightful manner.—Why, said he, John Morris fired a pistol into the powder, and if he had not done it I would—(bearing his pain all the while without the least complaint.) The officer gave him to understand he was a surgeon, and that if he desired it, he would dress him; but he swore it should not be done, and that if any thing was applied to him he would tear it off.—Nevertheless, the surgeon had good nature enough to dress him, though with much trouble: at night he was in a kind of delirium, and raved on the bravery of Roberts, saying, he should shortly be released, as soon as they should meet him. This procured him a lashing down upon the forecastle, which he resisting with all his force, it caused him to be used with the more violence, so that he was tied down with so much severity, that his flesh being sore and tender with the blowing up, he died the next day of a mortification.

They secured the prisoners with pinions and shackles, but the ship was so much disabled in the engagement, that they had once thought to set her on fire: this however would have given them the trouble of taking the pirate's wounded men on board themselves; and as they were certain the Royal Fortune would wait for her consort's return, they lay by her two days, repaired her rigging, and other damages, and sent her into France with the Frenchmen, and four of their own hands.

On the ninth in the evening, the Swallow gained the cape again, and saw the Royal Fortune standing into the bay, with the Neptune, Captain Hill, of London: a good presage of the next day's success; for they did not doubt but the temptation of liquor and plunder, which they might find in this their new prize,

would make the pirates very confused ; and so it happened.

On the tenth in the morning, the man of war bore away to round the cape. Roberts's crew, discerning the masts over the land, went down in the cabin to acquaint him of it, he being then at breakfast with his new guest, Captain Hill, on a savoury dish of salmagundi and some of his own beer. He took no notice of it, and his men almost as little, some saying she was a Portuguese ship, others a French slave ship, but the major part swore it was the French Ranger returning; and they were merrily debating for some time, on the manner of reception, as whether they should salute her or not ; but as the Swallow approached nigher, things appeared plainer ; and though they were stigmatized with the name of cowards, who shewed any apprehensions of danger, yet some of them, now undeceived, declared it to Roberts, especially one Armstrong, who had deserted from that ship, and knew her well. Those Roberts swore at as cowards, who meant to dishearten the men, asking them if it were so, whether they were afraid to fight or no ? In short, he hardly refrained from blows. What his own apprehensions were, till she hawled up her ports, and hoisted her proper colours, is uncertain ; but then, being perfectly convinced, he slipped his cable, got under sail, ordered his men to arms, without any shew of timidity, dropping a first-rate oath, that it was a bite, at the same time resolved, like a gallant rogue, to get clear or die.

There was one Armstrong whom we have just mentioned, a deserter from the Swallow, and of him they enquired the trim and sailing of the ship ; he told them she sailed best upon a wind, and therefore, if they designed to leave her, they should go before it.

The danger was imminent, and the time very short, to consult of means to extricate himself ; the resolution of Roberts in this streight, was as follows : to pass close to the Swallow, with all their sails, and receive her broadside, before they returned a shot ; if disabled by this, or that they could not depend on sailing, then to run on shore at the point, and every one to shift for himself among the negroes ; or failing

in these, to board and blow up together, for he saw that the greater part of his men were drunk, passively courageous, and unfit for service.

Roberts himself made a gallant figure, at the time of the engagement, being dressed in a rich damask waistcoat and breeches, a red feather in his hat, a gold chain round his neck, with a diamond cross hanging to it, a sword in his hand, and two pair of pistols hanging at the end of a silk sling flung over his shoulders, according to the fashion of the pirates. He is said to have given his orders with determined boldness and spirit ; coming, according to what he had purposed, close to the man of war, he received her fire, and then hoisting his black flag, returned it, shooting away from her with all the sail he could pack ; and had he taken Armstrong's advice, to have gone before the wind, he had probably escaped ; but keeping his tacks down, either by the wind's shifting, or ill steerage, or both, he was taken aback with his sails, and the Swallow came a second time very near to him : he had now, perhaps, finished the fight very desperately, if death, who took a swift passage in a grape shot, had not interposed, and struck him directly on the throat. He settled himself on the tackles of a gun ; which one Stephenson, from the helm observing, ran to his assistance, and not perceiving him wounded, swore at him, and bid him stand up, and fight like a man ; but when he found his mistake, and that his captain was certainly dead, he gushed into tears, and wished the next shot might be his portion. They presently threw him overboard, with his arms and ornaments on, according to the repeated request he made in his life-time.

Roberts was a tall black man, near forty years of age, born at Newey-bagh, near Haverfordwest, in Pem-brokeshire, of good natural parts, and personal bravery, though he applied them to such wicked purposes as made them of no commendation, frequently drink-ing D——n to him who ever lived to wear a halter. He forced himself at first among this company out of the Princess, Captain Plumb, of Anamabo, about three years before, where he served as second mate, and shed, as he used to tell the freshmen, as many

crocodile tears then, as they did now, but time and good company had worn it off. He could not plead want of employment, nor incapacity of getting his bread in an honest way, to favour so vile a change, nor was he so much a coward as to pretend it; he frankly owned, it was to get rid of the disagreeable superiority of some masters he was acquainted with, and the love of novelty and change that maritime peregrinations had accustomed him to. "In an honest service," said he, "there is thin commons, low wages, and hard labour; in this, plenty and satiety, pleasure and ease, liberty and power; and who would not balance creditor on this side, when all the hazard that is run for it, at worst, is only a sour look or two at choking. No, a merry life and a short one, shall be my motto." Thus he preached himself into an approbation of what he at first abhorred; and, being daily regaled with music, drinking, and the gaiety and diversions of his companions, these depraved propensities were quickly edged and strengthened, to the extinguishing of fear and conscience. Yet, among all the vile and ignominious acts he had perpetrated, he is said to have had an aversion towards forcing men into that service, and had procured some their discharge, notwithstanding so many made it their plea.

When Roberts was gone, as though he had been the life and soul of the gang, their spirits sunk; many deserted their quarters, and all stupidly neglected any means for defence or escape; and their main-mast soon after being shot by the board, they had no way left, but to surrender and call for quarters. The Swallow kept aloof, while her boat passed and repassed for the prisoners; because they understood they were under an oath to blow up; and some of the desperadoes shewed a willingness that way, matches being lighted, and scuffles happening between those who would, and those who opposed it. But we cannot easily account for this humour, which can be termed no more than a false courage, since any of them had power to destroy his own life, either by pistol, or drowning, without involving others in the

same fate, who were in no temper of mind for it : and, at best, it had been only dying for fear of death.

She had forty guns, and 157 men, forty-five whereof were negroes ; three only were killed in the action, without any loss to the Swallow. There was found upwards of 2000*l.* in gold-dust in her. The flag could not be got easily from under the fallen mast, and therefore was recovered by the Swallow ; it had the figure of a skeleton on it, and a man pourtrayed with a flaming sword in his hand, intimating a defiance of death, as before described.

The Swallow returned back into Cape Lopez Bay, and found the Little Ranger, whom the pirates had deserted in haste, for the better defence of the ship : she had been plundered, according to what we have learned, of 2000*l.* in gold-dust, (the share of those pirates who belonged to her,) and Captain Hill, in the Neptune, was not unjustly suspected ; for he would not wait the man of war's returning into the bay again, but sailed away immediately, making no scruple afterwards to own the seizure of other goods out of her, and surrendering, as a confirmation of all, forty ounces at Barbadoes. To sum up the whole, if it be considered, first, that the sickly state of the men of war, when they sailed from Princes, was the misfortune that hindered their being as far as Sierra-Leone, and consequently out of the track the pirates then took,—That those pirates, directly contrary to their design in the second expedition, should get above Cape Corso, and that near Axim a chace should offer, that inevitably must discover them, and be soon communicated to the men of war,—That the satiating their evil and malicious tempers at Whydah, in burning the Porcupine, and running off with the French ship, had strengthened the Swallow with thirty men,—That the Swallow should miss them in that road, where probably she had not, or at least had not so effectually obtained her end,—That they should be so far infatuated at Cape Lopez, as to divide their strength, which, when collected, might have been so formidable,—And lastly, that the conquest should be without bloodshed: we say, considering all these circumstances, it shows

that the hand of Providence was concerned in their destruction.

As to their behaviour after they were taken, it was found that they had great inclinations to rebel, if they could have laid hold of an opportunity: for they were very uneasy under restraint, having been lately all commanders themselves; nor could they brook their diet or quarters, without cursing and swearing, and upbraiding each other with the folly that had brought them to it.

So that to secure themselves against any mad, desperate undertaking of the pirates, the crew of the Swallow strongly barricadoed the gun-room, and made another prison before it; an officer, with pistols and cutlass, doing duty, night and day, and the prisoners within being manacled and shackled.

They would yet in these circumstances be impudently merry, saying, when they viewed their nakedness. That they had not left them a halfpenny to give old Charon, to ferry them over the Styx. And at their thin commons, they would observe, that they fell away so fast, that they should not have weight left to hang them. Sutton used to be very prophane; he happening to be in the same irons with another prisoner, who was more serious than ordinary, and read and prayed often, as became his condition; Sutton used to swear at him, and asked him, what he proposed by such noise and devotion? Heaven, said the other, I hope. Heaven, you fool, says Sutton, did you ever hear of any pirates going thither? Give me h—ll, it's a merrier place: I'll give Roberts a salute of thirteen guns at my entrance. And when he found such ludicrous expressions had no effect on him, he made a formal complaint, and requested that the officer would either remove this man, or take his pa yer-book away, as a common disturber.

A combination, or conspiracy, was formed betwixt Moody, Ashplant, Magnes, Mare, and others, to rise and kill the officers, and run away with the ship. This they had carried on by means of a mulatto boy, who was allowed to attend them, and proved very trusty in his messages between the principals; but the evening of the night they were to have made this struggle,

two of the prisoners that sat next to Ashplant, heard the boy whisper them upon the project, and name to him the hour they should be ready ; upon which, they presently gave notice of it to the captain, which put the ship in an alarm for a little time ; and, on examination, they found that several of them had made shift to break off, or loosen, their shackles : but all this tended only to procure them worse usage and confinement.

In the same passage to Cape Corso, the Prize, Royal Fortune, was in the same danger. She was left at the island of St. Thomas, in the possession of an officer, and a few men, to take in some fresh provisions, which were scarce at Cape Corso, with orders to follow the ship. There were only some of the pirate negroes, three or four wounded prisoners, and Scudamore their surgeon ; from whom they seemed to be under no apprehension, especially the last, who might have hoped for favour on account of his employ, and had stood so much indebted for his liberty, eating and drinking constantly with the officer ; yet this fellow, regardless of the favour, and lost to all sense of reformation, endeavoured to bring over the negroes to his design of murdering the people, and running away with the ship. He easily prevailed with the negroes to come into the design ; but when he came to communicate it to his fellow prisoners, and would have drawn them into the same measures, by telling them he understood navigation, that the negroes were stout fellows, and, by a smattering he had in the Angolan language, he had found them willing to undertake such an enterprise ; and that it was better venturing to do this, run down the coast and raise a new company, than to proceed to Cape Corso, and be hanged like dogs, and sun-dried, one of them, abhorring the cruelty, or doubting of success, discovered it to the officer, who made him immediately a prisoner, and brought the ship safe.

When they came to be lodged in Cape Corso-Castle, their hopes of this kind were all cut off, and they were assured they must there soon receive a final sentence. The note was now changed among most of them, and, from vain insolent jesting, they became serious

and devout, begging for good books, and joining in public prayer, and singing of psalms twice at least every day.

As to their trials, if we should give them, at length, it might appear tedious to the reader, for which reason we have, for the avoiding tautology and repetition, put as many of them together as were tried for the same fact, reserving the circumstances which are most material, with observations on the dying behaviour of such of them as came to our knowledge.

And first it may be observed from the list, that a great part of these pirate ships' crews were men entered on the coast of Africa, not many months before they were taken; from whence it may be concluded that the pretended constraint of Roberts on them, was very often a compplotment between parties equally willing; and this Roberts several times openly declared; particularly to the Onslow people, whom he called aft, and asked of them who was willing to go, for he would force nobody; this was deposed by some of his best hands after acquittal; nor is it reasonable to suppose that when so many volunteers were at any time to be picked up, he should force others that might hazard, and, in time, destroy his government; but their behaviour soon put him out of this fear, and convinced him that the plea of force was the only best artifice they had to shelter themselves under in case they should be taken; and that they were less rogues than others only in point of time.

It may likewise be taken notice of that the country, wherein they happened to be tried, was, among other happinesses, exempted from lawyers and law books; so that the office of register of necessity fell on one not versed in those affairs; which might justify the court in want of form, more essentially supplied with integrity and impartiality.

But, perhaps, if there was less law there might be more justice than in some other courts: for if the civil law be a law of universal reason, judging of the rectitude or obliquity of men's actions, every man of common sense is endued with a portion of it, at least sufficient to make him distinguish right from wrong, or what the civilians call, *malum in se*.

Therefore, here, if two persons were equally guilty of the same fact, there was no convicting one, and bringing the other off by any quirk or turn of the law ; for they formed their judgments upon the constraint, or willingness, the aim and intention of the parties, and all other circumstances, which make a material difference. Besides, in crimes of this nature, men bred up to the sea must be more knowing, and much abler than others more learned in the law ; for, before a man can have a right idea of a thing he must know the terms standing for that thing : the sea terms being a language by itself, which no lawyer can be supposed to understand ; he must therefore of consequence want that discriminating faculty which should direct him to judge right of the facts meant by those terms.

The court well knew it was not possible to get the evidence of every sufferer by this crew, and therefore, first of all considered how the deficiency should be supplied ; whether or not they could pardon one Joseph Dennis, who had early offered himself as King's evidence, and was the best read in the lives and conversations : here indeed, they were at loss for law, and concluded in the negative, because it looked like compounding with a man to swear falsely, losing by it those great helps he could have afforded.

Another great difficulty in their proceedings was, how to understand those words in the act of parliament, of particularly specifying in the charge the circumstances of time, place, &c. viz. so to understand them as to be able to hold a court ; for if they had been indicted on particular robberies, the evidence had happened mostly from the Royal African Company's ships, on which these gentlemen of Cape Corso-Castle were not qualified to sit, their oath running, that they had no interest, directly, or indirectly, in the ship or goods, for the robbery of which the party stands accused : and this they thought they had, commissions being paid them on such goods : and on the other side, if they were incapacitated, no court could be formed, the commission absolutely requiring three of them by name.

To reconcile all things, therefore, the court resolved,

to bottom the whole of their proceedings on the Swallow's depositions, which were clear and plain, and had the circumstance of time when, place where, manner how, and the like particularly specified, according to the statute in that case made and provided. But this admitted only a general intimation of robbery in the indictment, therefore to approve their clemency, (it looking arbitrary on the lives of men to lump them to the gallows, in such a summary way as must have been done, had they solely adhered to the Swallow's charge,) they resolved to come to particular trials.

Secondly, that the prisoners might not be ignorant whereon to answer, and so have all fair advantages to excuse and defend themselves, the court further agreed, with justice and equanimity, to hear any evidence that could be brought to weaken or corroborate the three circumstances that complete a pirate: first, being a volunteer amongst them at the beginning; secondly, being a volunteer at the taking or robbing of any ship; or lastly, voluntarily accepting a share in the booty of those that did; for, by a parity of reasoning, where these actions were of their own disposing and yet committed by them, it must be believed their hearts and hands joined together in what they acted against his Majesty's ship the Swallow.

#### TRIAL OF THE PIRATES

*Taken by his Majesty's Ship the Swallow, begun at Cape Corso-Castle, on the Coast of Africa, March the 28th, 1722.*

The commissioners being met in the hall of the Castle, the commission was first read; after which the president, and then the other members, took the oath prescribed in the act of parliament.

The prisoners out of the pirate ship Ranger, having been commanded before them, the charge, or indictment, was exhibited.

To which they severally pleaded, Not Guilty.

Then the court called for the officers of the Swallow, Mr. Isaac Sun, lieutenant, Ralph Baldwin, boatswain, Daniel Macklauglin, mate, desiring them to

view the prisoners, and say whether they knew them ? And requiring them to give an account in what manner they attacked and fought the king's ship ; and they agreed as follows :—

That they had viewed all the prisoners, as they stood now before the court, and were assured they were the same taken out of one or other of the pirate ships, Royal Fortune or Ranger ; but verily believe them to be taken out of the Ranger.

That they did in the king's ship, at break of day, on Monday, the 5th of February, 1721-2, discover three ships at anchor, under Cape Lopez, on the southern coast of Africa ; the Cape bearing then W. S. W. about three leagues, and perceiving one of them to have a pendant flying, and having heard their morning gun before, they immediately suspected them to be Roberts the pirate, his consort, and a French ship, which they knew had been lately carried out of the Whydah Road.

The king's ship was obliged to haul off N. W. and W. N. W. to avoid a sand called the Frenchman's Bank, the wind then at S. S. E. and found, in half an hour's time, one of the three had got under sail from the Careen, and was bending her sails in chase towards them. To encourage this rashness and precipitancy, they kept away before the wind, as though afraid ; but with their tacks on board, their main yard braced, and making at the same time very bad steerage.

About half an hour after ten, in the morning, the pirate ship came within gun-shot, and fired four chace guns, hoisted a black flag at the mizen peak, and got their spritsail yard under their bowsprit, for boarding. In half an hour more, approaching still nigher, they starboarded their helm, and gave her a broadside, the pirate bringing to, and returning the same.

After this, the deponents say, their fire grew slack for some time, because the pirate was shot so far a head on the weather bow, that few of her guns could point to her ; yet in this interval their black flag was either shot away, or hauled down a little space, and hoisted again.

At length, by their ill steerage, and the favour of the wind, they came near a second time ; and about two in the afternoon, shot away their main-top mast.

The colours they fought under, besides a black flag, was a red English ensign, a king's jack, and a Dutch pendant, which they struck, at or about three in the afternoon, and called for quarters ; it proving to be a French built ship of 32 guns, called the Ranger.

ISAAC SUN,  
RALPH BALDRICK,  
DANIEL MACKLAUGLIN.

When the evidence had been heard, the prisoners were called upon to answer, how they came on board this pirate ship ; and their reason for so audacious a resistance, as had been made against the king's ship was also demanded.

To this, each, in reply, owned himself to be one of those taken out of the Ranger ; that he had signed their piratical articles, and shared in their plunder, some few only excepted, who had been there too short a time. But that neither in this signing or sharing, nor in the resistance that had been made against his majesty's ship, had they been volunteers, but had acted in these several parts, from a terror of death ; which, by a law amongst them, was to be the portion of those who refused. The court then asked who made those laws ? how those guns came to be fired ? or why they had not deserted their stations, and mutinied, when so fair a prospect of redemption offered ? They replied still with the same answers, and could extenuate their crimes with no other plea, than being forced men. Wherefore the court were of opinion, that the indictment, as it charged them with an unlawful attack and resistance of the king's ship, was sufficiently proved ; but then, it being undeniably evident, that many of these prisoners had been forced, and some of them of very short standing, they did, on mature deliberation, come to this merciful resolution.

That they would hear further evidence for or against each person singly, in relation to those parts of the indictment which declared them volunteers, or charged them with aiding and assisting, at the burning, sinking, or robbing of other ships ; for if they acted or assisted in any robberies or devastations, it would be a conviction they were volunteers. Here such evidence, though it might want the form, still carried the reason of the law with it.

Whereupon the officers of his majesty's ship, the Swallow, were called again, and testified as follows :—

That they had seen all the prisoners now before the court, and knew them to be the same which were taken out of one or other of the pirate ships, Royal Fortune or Ranger, and verily believed them to be those taken out of the Royal Fortune.

That the prisoners were possessed of a ship of forty guns, called the Royal Fortune, and were at anchor under Cape Lopez, on the coast of Africa, with two others, when his majesty's ship, the Swallow, (to which the deponents belonged, and were officers), stood in for the place, on Saturday, the 10th of February, 1721-2. The largest had a jack, ensign, and pendant flying, being this Royal

Fortune, who, on sight of them, had their boats passing and repassing, from the other two, which they supposed to be with men. The wind not favouring the aforesaid king's ship, she was obliged to make two trips to gain near enough the wind, to fetch in with the pirates ; and being at length, little more than random shot from them, they found she slipped her cable, and got under sail.

At eleven the pirate was within pistol shot, abreast of them, with a black flag and pendant hoisted at her main-topmast head. The deponents say, they then struck the French ensign, that had continued hoisted at their staff all the morning till then, and displayed the king's colours ; giving her, at the same time, a broadside, which was immediately returned.

The pirates mizen-topmast fell, and some of her rigging was torn, yet she still out-sailed the man of war, and slid half gun-shot from them, while they continued to fire without intermission, and the other to return such guns as could be brought to bear, till, by favour of the winds, they were advanced very near again, and, after exchanging a few more shot, about half an hour past one, the pirates main-mast came down, having received a shot a little below the parrel.

At two o'clock she struck her colours, and called for quarters, proving to be a ship formerly called the Onslow, but by them the Royal Fortune ; and the prisoners from her assured them, that the smallest ship of the two, then remaining in the road, belonged to them, by the name of the Little Ranger, which they had deserted on this occasion.

The prisoners were asked several questions by the court, to the same purpose with those put to the others in the morning, as, what exception they had to make against what had been sworn ? and what they had to say in their defence ? And their replies were much the same with the other prisoners ; that they were forced men, had not fired a gun in this resistance against the Swallow, and that what little assistance they did give on this occasion, was to the sails and rigging, to comply with the arbitrary commands of Roberts, who had threatened, and they were persuaded would, have shot them on refusal.

The court, to dispense equal justice, mercifully resolved for these, as they had done for the other pirate crew ; that further evidence should be heard against each man singly, to the two points, of being a volunteer at first, and to their particular acts of piracy and robbery since ; that so, men, who had been lately received amongst them, and as yet had not been at the taking, or plundering of any ship, might have the opportunity and benefit of clearing their innocence, and not fall promiscuously with the guilty.

Wm. Magnes, Tho. Oughterlauney, Wm. Main, Wm. Mackintosh, Val. Ashplant, John Walden, Israel Hind, Marcus Johnson, Wm. Petty, Wm. Fernon, Abraham Harper, Wm. Wood, Tho. How, John Stephenson, Ch. Bunce, and John Griffin.

Against these it was deposed by captain Joseph Trahern, and George Fern, his mate, that they were all of them either at the attacking and taking of the ship King Solomon, or afterwards at the robbing and plundering of her, and in this manner:

That on the 6th of January last, their ship riding at anchor near Cape Apollonia in Africa, they discovered a boat rowing towards them, against wind and stream, from a ship that lay about three miles to leeward. They judged from the number of men in her, as she nearer advanced, that she was a pirate, and made some preparations for receiving her; believing, on a nearer view, they would think fit to withdraw from an attack, which must be, on their side, with great disadvantage in an open boat, and against double the number of men; yet by the rashness and the pusillanimity of his own people, (who laid down their arms, and immediately called for quarter) the ship was taken, and afterwards robbed by them.

*President.* Can you charge your memory with any particulars in the seizure and robbery?

*Evidence.* We know that Magnes, quarter-master of the pirate ship, commanded the men in this boat that took us, and assumed the authority of ordering our provisions and stores out, which being of different kinds, we soon found, were seized and sent away under more particular directions; for Main, as Boat-swain of the pirate ship, carried away two cables, and several coils of rope, as what belonged to his province, beating some of our own men for not being brisk enough at working in the robbery. Petty, as sail maker, saw to the sails and canvas; Harper, as cooper, to the casks and tools; Griffin, to the carpenter's stores; and Oughterlauney, as pilot, having shifted himself with a suit of my clothes, a new tie wig, and called for a bottle of wine, ordered the ship, very arrogantly, to be steered under commodore Roberts's

stern, which I supposed was to know what orders there were concerning her. So far particularly. In the general, Sir, they were very outrageous and emulous in mischief.

*President.* Mr. Castel, acquaint the court of what you know in relation to this robbery of the King Solomon: in particular, after what manner the pirate-boat was dispatched for this attempt.

*Tho. Castel.* I was a prisoner, Sir, with the pirates, when their boat was ordered upon that service, and found, upon a resolution of going, word was passed through the company who would go? And I saw all that did, did it voluntarily; there being no compulsion, but rather a pressing who should be foremost.

The prisoners yielded to what had been sworn about the attack and robbery, but denied the latter evidence, saying, Roberts hector'd and upbraided them with cowardice on this very occasion; and told some, they were very ready to step on board of a prize when within command of the ship, but now there seemed to be a trial of their valour, they were backward and fearful.

*President.* So that Roberts forced you upon this attack.

*Prisoners.* Roberts commanded us into the boat, and the quarter-master to rob the ship; neither of whose commands we dared to have refused.

*President.* And granting it so, those are still your own acts, since done by orders from officers of your own election. Why would men, honestly disposed, give their votes for such a captain and such a quarter-master, as were every day commanding them on distasteful services?

Here succeeded a silence among the prisoners; but at length Fernon very honestly owned, that he did not give his vote to Magnes, but to David Sympson, (the old quarter-master,) for in truth, says he, I took Magnes for too honest a man, and unfit for the business.

The evidence was plain and home, and the court without any hesitation, brought them in guilty.

William Church, Phil. Haak, James White, Nich.

Brattle, Hugh Riddle, William Thomas, Thomas Roberts. Jo. Richards, Benjamin Child, R. Wood, R. Scott, Wm. Davison, Sam. Morwell, Edward Evans, Wm. Guineys, and 18 Frenchmen.

The four first of these prisoners, it was evident to the court, served as music on board the pirate, were forced lately from the several merchant ships they belonged to; and that they had, during this confinement, an uneasy life of it, having sometimes their fiddles, and often their heads broke, only for excusing themselves, or saying they were tired, when any fellow took it in his head to demand a tune.

The other English had been a very few days on board the pirate, only from Whydah to Cape Lopez, and no capture or robbery done by them in that time. And the Frenchmen were brought with a design to re-conduct their own ship, or the Little Ranger in exchange, to Whydah Road again, and were used like prisoners; neither quartered, nor suffered to carry arms. So that the court immediately acquiesed in acquitting them.

Tho. Sutton, David Sympson, Christopher Moody, Phil. Bill, R. Hardy, Hen. Dennis, David Rice, Wm. Williams, R. Harris, Geo. Smith, Ed. Watts, Jo. Mitchell, and James Barrow.

The evidence against these prisoners, were Geret de Haen, master of the Flushingham, taken near Axim, about the beginning of January last.

Benj. Kreft, master, and James Froet, mate, of the Gertruycht, taken near Gabone in December last, and Mr. Castel, Wingfield, and others, that had been prisoners on board the pirate.

The former deposed, that all these prisoners, (except Hardy) were on board at the robbery and plunder of their ships, behaving in a vile outrageous manner, putting them in bodily fear, sometimes for the ship, and sometimes for themselves; and in particular Kreft charged it on Sutton, that he had ordered all their gunner's stores out; on which the prisoner presently interrupted, and said he was perjured, that he had not taken half. A reply, we believe, not designed as any saucy

way of jesting, but to give their behaviour an appearance of more humanity than the Dutch would allow.

From Mr. Castel, Wingfield, and others, they were proved to be distinguished men ; men who were consulted as chiefs in all enterprises ; belonged to the house of lords (as they called it) and could carry an authority over others. The former said particularly of Hardy, quarter-master of the Ranger, that when the Diligence sloop was taken (whereto he belonged) none was busier in the plunder, and he was the very man who scuttled and sunk that vessel.

From some of the prisoners acquitted, it was farther demanded, whether the acceptance or refusal of any office was not in their own option ? And it was declared, that every officer was chosen by a majority of votes, and might refuse if he pleased, since others gladly embraced what brought with it an additional share of prize. Guilty.

The court on the 31st of March, remanded the following six before them for sentence, viz. Dav. Sympson, Wm. Magnes, R. Hardy, Thomas Sutton, Christopher Moody, and Valen. Ashplant. To whom the president spoke to the following purpose.

The crime of Piracy, of which all of you have been justly convicted, is of all other robberies the most aggravating and inhumane ; in that, being removed from the fears of surprise, in remote and distant parts, ye do, in wantonness of power, often add cruelty to theft.

Pirates, unmoved at distress or poverty, not only spoil and rob, but do it from men needy, and who are purchasing their livelihoods through hazards and difficulties, which ought rather to move compassion ; and what is still worse, do often, by persuasion or force, engage the inconsiderate part of them, to their own and families ruin ; removing them from their wives and children, and, by that, from the means that should support them from misery and want.

To a trading nation, nothing can be so destructive as piracy, or call for more exemplary punishment ; besides the national reflection it infers, it cuts off the returns of industry, and those plentiful importations that alone can make an island flourishing ; and it is your aggravation, that ye have been the chiefs and rulers in these licentious and lawless practices.

However, contrary to the measures ye have dealt, ye have been heard with patience, and though little has, or possibly could, have been said in excuse or extenuation of your crimes, yet charity makes us hope, that a true and sincere repentance (which we heartily recommend) may entitle ye to mercy and forgiveness, after the sentence of the law has taken place, which now remains upon me to pronounce.

You, Dav. Sympson, William Magnes, R. Hardy, Tho. Sutton, Christopher Moody, and Val. Ashplant,

Ye and each of you, are adjudged and sentenced, to be carried back to the place from whence ye came, from thence to the place of execution, without the gates of this castle, and there, within the flood-marks, to be hanged by the neck till ye are dead.

After this, ye and each of you, shall be taken down, and your bodies hanged in chains.

### WILLIAM PHILLIPS.

IT appeared by the evidence of captain John Trahern, and George Fenn, mate of the King Solomon, that this prisoner was boatswain of the same ship, when she was attacked and taken off Cape Apollonia, the 6th of January last, by the pirate's boat.

When the boat drew nigh, (they said,) it was judged from the number of men in her, that they were pirates, and being hailed, they answered, defiance; at which the commander snatched a musket from one of his men, and fired, asking them at the same time, whether they would stand by him, to defend the ship? but the pirates returning a volley, and crying out, they would give no quarters if any resistance was made, this prisoner took upon him to call out for quarters, without the master's consent, and misled the rest to the laying down their arms, and giving up the ship, to half the number of men, in an open boat. It was further evident, he became, after this, a volunteer amongst them. First, because he was presently very forward and brisk, in robbing the ship King Solomon of her provisions and stores. Secondly, because he endeavoured to have his captain ill used; and lastly, because he had confessed to Fenn, that he had been obliged to sign their articles that night (a pistol being laid on the table, to signify he must do it, or be shot,) when the whole appeared to be an untruth from other evidence, who also asserted his being armed in the action against the Swallow.

In answer to this, he first observed, the unhappiness he was under, of being friendless in this part of the world, which, elsewhere, by witnessing to the honesty of his former life, would, he believed, in a great measure, have invalidated the wrong evidence that had

been given, of his being a volunteer with the pirates. He owned, indeed he made no application to his captain, to intercede for a discharge; but excused it with saying, he had a dislike to him, and therefore was sure that such application would have availed him nothing.

The court observed the pretences of this, and others of the pirates, of a pistol and their articles being served up in a dish together, or of their being misused and forced from an honest service, was often a compliment of the parties, to render them less suspected of those they came from, and was to answer the end of being put in a newspaper or affidavit; and the pirates were so generous as not to refuse a compliment to a brother that cost them nothing, and, at the same time, secured the best hands; the best we call them, because such a dependence, made them act more boldly.

—Guilty.

HARRY GLASBY, Master.

There appearing several persons in court who had been taken by Roberts's ship, whereof the prisoner was master, their evidence was accepted as follows:

Joseph Trahern, commander of the King Solomon, deposed, that the prisoner, indeed, attempted to act as master of the pirate ship while he was under restraint there, but was observed like no master, every one disobeying at pleasure, of which he had taken notice, and complained to him how hard a condition it was to be a chief among brutes; and that he was weary of his life, and such other expressions, now out of his memory, as shewed him in a great measure not inclined to that course of living.

Joseph Wingfield, a prisoner with them at Calabar, said the same as to the quality he acted in; but that he was civil beyond any of them, and verily believed that when the brigantine he served on board of, as factor for the African Company, was voted to be burnt, this man was the instrument of preventing it, expressing himself with a great deal of sorrow for this and the like malicious rouqueries of the company he was in, that to him showed he had acted with reluctance, as one who could not avoid what he did. He added further, that when one Hamilton a surgeon

was taken by them, and the articles were about to be imposed on him, he opposed and prevented it. And that Hunter, another surgeon among them, was cleared at the prisoner's instance and persuasion ; from which last, this deponent had it assured to him, that Glasby had once been under sentence of death, on board of them, with two more, for endeavouring an escape in the West Indies, and that the other two were really shot for it.

Elizabeth Trengrove, who was taken a passenger in the African Company's ship Onslow, strengthened the evidence of the last witness ; for having heard a good character of this Glasby, she inquired of the quartermaster, who was then on board robbing, whether or no she could see him ? and he told her no ; they never ventured him from the ship, for he had once endeavoured to escape, and they had ever since continued jealous of him.

Edward Crisp, Captain Trengrove, and Captain Sharp, who had all been taken, in their turns acknowledged for themselves and others, who had unluckily fallen into the pirates' hands, that the good usage they had met with was chiefly through the prisoner's means, who had often interposed, and was for leaving sufficient stores and instruments on board the ships they had robbed, alleging they were superfluous and unnecessary on board their own vessel.

James White, whose business was music, and who was on the poop of the pirate ship in time of action with the Swallow, deposed, that during the engagement, and the defence she made, he never saw the prisoner busied about the guns, or giving orders either to the loading or firing of them ; but that he wholly attended to the setting or trimming of the sails, as Roberts commanded ; and that in conclusion he verily believed him to be the man who prevented the ship's being blown up, by setting trusty sentinels below, and opposing himself against such hot-headed fellows as had procured lighted matches, and were going down for that purpose.

Isaac Sun, lieutenant of the man of war, deposed, that when he came to take possession of the prize, in the King's boat, he found the pirates in a very dis-

tracted and divided condition ; some being for blowing up, and others (who supposed themselves least culpable) opposing it : that in this confusion he inquired for the prisoner, of whom he had before heard a good character ; who then rendered all the service in his power for preventing the mischief ; in particular, he understood by all hands, that he had seized and taken from one James Phillips a lighted match, at the instant he was going down to the magazine, swearing that he would send them all to h—ll together. He had heard also, that after Roberts was killed, the prisoner ordered the colours to be struck ; and had since shewn how opposite his practice and principles had been, by discovering who were the greatest rogues among them.

The prisoner in his own defence said, that when he had the misfortune of falling into the pirate's hands, he was chief mate of the Samuel, of London, Captain Carey ; and when he had hid himself to prevent the design of carrying him away, they found him, and beat him, and threw him overboard. Seven days afterwards, upon his objecting against and refusing to sign their articles, he was cut and abused again : that though after this he ingratiated himself by a more easy carriage, it was only to make life easy ; the shares they had given him having been from time to time returned again to such prisoners as fell in his way ; till of late, indeed, he had made a small reservation, and had desired Captain Loane to take two or three moidores from him to carry to his wife. He was once taken, he said, at making his escape in the West Indies, and, with two more, sentenced to be shot for it, by a drunken jury ; the latter actually suffered, and he was preserved only by one of the chief pirates taking a sudden liking to him, and bullying the others. A second time he ran away at Hispaniola, carrying a pocket compass for conducting him through the wood ; but that it being a most desolate wild part of the island he fell upon, and he ignorant how to direct his course, he was obliged, after two or three days wandering, to return towards the ship again, denying, with egregious oaths, the design he was charged with, for fear they should shoot him. From this time he hoped it would be some extenuation of his fault, that

most of the acquitted prisoners can witness, they entertained jealousies of him, and Roberts would not admit him into his secrets ; and withal, that Captain Cary, and four other passengers with him, had made affidavit of his having been forced from his employ, which though he could not produce, yet he humbly hoped the court would think highly probable from the circumstances offered.

On the whole the court was of opinion that artists had the best pretensions to the plea of force, from the necessity pirates are sometimes under of engaging such, and that many parts of his own defence had been confirmed by the evidence, who had asserted he had acted with reluctance, and had expressed a concern and trouble for the little hopes that remained to him of ever extricating himself,—That he had used all prisoners well at the hazard of ill usage to himself,—That he had not in any military capacity assisted their robberies,—and that he had twice endeavoured his escape with the utmost danger,—Acquitted him.

#### CAPTAIN JAMES SKYRM.

It appeared from the evidence of several prisoners acquitted, that this Skyrm commanded the Ranger, in the defence she made against the King's ship ; that he ordered the men to their quarters, and the guns to be loaded and fired, having a sword in his hand to enforce those commands ; and beating such to their duty whom he espied any way negligent or backward. That although he had lost a leg in the action, his temper was so warm as to refuse going off the deck till he found all was lost.

In his defence he said, he was forced from a mate's employ on board a sloop, called the Greyhound, of St. Christopher's, Oct. 1720. The pirate having drubbed him, and broke his head, only for offering to go away when that sloop was dismissed. Custom and success had since indeed blunted, and, in some measure, worn out the sense of shame ; but that he had really for several months past been sick and disqualified for any duty, and though Roberts had forced him on this expedition, much against his will, yet the evidence must be sensible that the title of captain gave him no

pre-eminence ; for he could not be obeyed, though he had often called to them to leave off their fire, when he perceived it to be the King's ship.

The sickness he alleged, but more especially the circumstance of losing his leg, were aggravations of his fault, shewing him more alert on such occasions than he was willing to be thought : as to the name of captain, if it were allowed to give him no precedence out of battle, yet here it was proved a title of authority ; such an authority as could direct an engagement against the King's colours, and therefore he was in the highest degree guilty.

#### JOHN WALDEN.

Captain Trahern and George Fenn, deposed, that the prisoner was one of the number who, in an open boat, piratically assailed and took their ship, and was remarkably busy at mischief, having a pole axe in his hand, which served him instead of a key to all the locked doors and boxes he came nigh : also in particular he cut the cable of our ship, when the other pirates were busied at heaving up the anchor, saying, “ Captain what signifies this trouble of, *yo hope*, and straining in hot weather ; there are more anchors at London, and besides, your ship is to be burnt.”

William Smith (a prisoner acquitted,) deposed, that Walden was known among the pirates mostly by the nickname of Miss Nanney, (ironically its presumed from the hardness of his temper) that he was one of the twenty who voluntarily came on board the Ranger, in the chace she made out after the Swallow, and by a shot from that ship he lost his leg : his behaviour in the fight, till then, being bold and daring.

The president called for Harry Glasby, and bid him relate a character of the prisoner, and what custom was among them, in relation to these voluntary expeditions out of their proper ship ; and this of going on board the Ranger, in particular.

And he gave in for evidence, that the prisoner was looked on as a brisk hand, (viz. as he further explained it, a staunch pirate and a great rogue,) that when the Swallow first appeared in sight every one was willing to believe her a Portuguese, because sugar was

very much in demand, and had made some jarring and dissension between the two companies, (the Fortune's people drinking punch when the Ranger's could not) that Roberts, on sight of the Swallow, hailed the new Ranger, and bid them right their ship, and get under sail ; there is, says he, sugar in the Offing, bring it in that we may have no more mumbling ; ordering at the same time the word to be passed among the crew, who would go to their assistance ; and immediately the boat was full of men to transport themselves.

*President.* Then every one that goes on board of any prize does it voluntarily : or were there here any other reasons for it ?

*H. Glasby.* Every man is commonly called by list, and insists, in his turn, to go on board of a prize, because they then are allowed a shift of clothes, (the best they can find) over and above the dividend from the robbery ; and this they are so far from being compelled to, that it often becomes the contest and quarrel amongst them : but in the present, or such like cases, where there appears a prospect of trouble, the lazy and timorous are often willing to decline their turn and yield to their betters, who thereby establish a greater credit. The prisoner, and the rest of those men who went from the Fortune on board the Ranger to assist in this expedition, were volunteers, and the trustiest men among us.

*President.* Was there no danger of the Ranger's leaving you in this chace, or at some other time, in order to surrender ?

*H. Glasby.* Most of the Ranger's crew were fresh men, men who had been entered only since their being on the coast of Guinea, and therefore had not so liberal a share in fresh provisions, or wine, as the Fortune's people, who thought they had borne the burthen and heat of the day, which had given occasion, indeed, to some grumblings and whispers, as though they would take an opportunity to leave us ; but we never supposed, if they did, that it would be with any other design than setting up for themselves, they having, many of them, behaved with greater severity than the old standers.

The prisoner appeared undaunted and rather solicitous about resting his stump than giving any answer to the court, or making any defence for himself till called upon ; and then he related in a careless, or rather hopeless manner, the circumstances of his first entrance being forced, he said, out of the Blessing, of Lemmington, at Newfoundland, about twelve months past ; this he was sure most of the old pirates knew, and that he was for some time as sick of the change as any man ; but custom and ill company had altered him. He then owned very frankly that he was at the attack and taking of the King Solomon, that he did cut her cable, and that none was forced on those occasions.

As to the last expedition in the Ranger he confessed he went on board of her, but that it was by Roberts's order ; and in the chase he loaded one gun to bring her too ; but when he saw it was a bite, he declared to his comrades that it was not worth while to resist, forbore firing, and assisted to receive the braces, in order, if they could, to get away ; in which sort of service he was busied when a shot from the man of war took off his leg. Being asked what he would have done supposing the chace had proved a Portuguese ? Why then, says he, I don't know what I might have done ; intimating withal, that every body then would have been ready enough at plundering. Guilty.

#### PETER SCUDAMORE.

Harry Glasby, Joseph Wingfield, and Nicholas Brattle, deposed thus much, as to his being a volunteer with the pirates from Captain Roels, at Calabar. First, that he quarrelled with Moody, one of the heads of the gang, and fought with him, because he opposed his going ; asking Rolls, in a leering manner, whether he would not be so kind as to put him into the Gazette, when he came home. And, at another time, when he was going from the pirate ship, in his boat, a tornado arose, "I wish," said he, "the rascal may be drowned, for he is a great rogue, and has endeavoured to do me all the ill offices he could among these gentlemen, (viz. pirates.)

- And secondly, that he had signed the pirates' articles with a great deal of alacrity, and gloried in having been the first surgeon that had done so, (for before this it was their custom to change their surgeons when they desired it, after having served a time, and never obliged them to sign ; but he was resolved to break through this for the good of those who were to follow,) swearing immediately upon it, he was now, he hoped, as great a rogue as any of them.

Captain Joseph Trahern, and George Fenn, his mate, deposed, that the prisoner had taken out of the King Solomon their surgeon's capital instruments, some medicines, and a back-gammon table ; which latter became the means of a quarrel between one Wincon and he, whose property they should be, and they were yielded to the prisoner.

Joseph Sharp, master of the Elizabeth, heard the prisoner ask Roberts leave to force Comry, his surgeon, from him, which was accordingly done, and with him he carried also some of the ship's medicines ; but what gave a fuller proof of the dishonesty of his principles, was the treacherous design he had formed of running away with the prize, in her passage to Cape Corso, though he had been treated with all humanity and very unlike a prisoner, on account of his employ and better education, which had rendered him less to be suspected.

Benjamin Child deposed, that in their passage from the island of St. Thomas, in the Fortune Prize, this prisoner was several times tempting him into measures of rising with the negroes, and killing the Swallow's people, shewing him, how easily the white men might be demolished, and a new company raised at Angola, and that part of the coast ; " For," says he, " I understand how to navigate a ship, and can soon teach you to steer ; and is it not better to do this, than to go back to Cape Corso, and be hanged and sundried ?" To which the deponent replying, " that he was not afraid of being hanged," Scudamore bid him be still, and no harm should come to him ; but before the next evening, which was the designed time of executing this project, the deponent discovered it to the officer, and assured him, that Scudamore

had been talking all the preceding night to the negroes, in the Angolan language.

Isaac Burnet heard the prisoner ask James Harris, a pirate who had been left with the wounded in the prize, whether he was willing to come into the project of running away with the ship, and endeavouring to raise a new company ; but he turned the discourse to horse-racing, as the deponent crept nearer ; he acquainted the officer with what he had heard, who kept the people under arms all night, their apprehensions of the negroes not being groundless ; for many of them, having lived a long time in the piratical way, were, by the thin commons they were reduced to, as ripe for mischief as any.

The prisoner in his defence said, that he was a forced man from Captain Rolls, in October last, and if he had not shewn such a concern as became him, at the alteration, he must remark the occasion to be, the disagreement and enmity between them ; but that both Roberts and Val. Ashplant threatened him into signing their articles, and that he did it in terror.

The King Solomon, and Elizabeth, medicine-chests, he owned, he plundered, by order of Hunter, the then chief surgeon, who, by the pirate's laws, always directs in this province, and Mr. Child, though now acquitted, had by the same orders taken out a whole French medicine-chest, which he must be sensible, for me, as well as for himself, we neither of us dared to have denied ; it was their being the proper judges, that made so ungrateful an article imposed. If after this he was elected chief surgeon himself, both Comry and Wilson were set up also, and it might have been their chance to have carried it, and as much out of their power to have refused.

As to the attempt of raising and running away with the prize, he denied it altogether as untrue. He owned, indeed, a few foolish words, but only by way of supposition, that if the negroes should take it in their heads (considering the weakness and ill look-out that was kept), it would have been an easy matter, in his opinion, for them to have done it ; but that he encouraged such a thing was false. His talking to them in the Angolan language, was only a way of

spending his time, and trying his skill to tell twenty, he being incapable of further talk. As to his understanding navigation, he had frequently acknowledged it to the deponent Child, and wondered he should so circumstantiate this skill against him. Guilty.

#### ROBERT JOHNSON.

It appeared to the court, that the prisoner was one of the twenty men, in that boat of the pirates which afterwards robbed the King Solomon, at an anchor near Cape Apollonia. That all pirates on this, and the like services, were volunteers, and he, in particular, had contested his going on board a second time, though out of his turn.

The prisoner, in his defence, called for Harry Glasby, who witnessed to his being so very drunk, when he first came among their crew, that they were forced to hoist him out of one ship into the other, with a tackle, and therefore without his consent; but he had since been a trusty man, and was placed to the helm, in that running battle they made with the Swallow.

He insisted for himself likewise, on Captain Turner's affidavit of his being forced, on which others, who were his ship-mates, had been cleared.

The court considering the partiality that might be objected in acquitting one, and condemning another of the same standing, thought fit to remark it as a clear testimony of their integrity, that their care and indulgence to each man, in allowing his particular defence, was to exempt from the rigour of the law, such who, it must be allowed, would have stood too promiscuously condemned, if they had not been heard upon any other fact than that of the Swallow; and herein what could better direct them, than a character and behaviour from their own associates; for though a voluntary entry with the pirates may be doubtful, yet his consequent actions are not, and it is not so material how a man comes among pirates, at how he acts when he is there. Guilty.

#### GEORGE WILSON.

John Sharp, master of the Elizabeth, in which ship the prisoner was passenger, and which fell a second

me into the pirates' hands, deposed, that he took the said Wilson off from Sestos, paying to the negroes for his ransom, the value of three pounds five shillings in goods, for which he had taken a note; that he thought he had done a charitable act in this, till meeting with one Captain Canning, he asked, why he would release such a rogue as Wilson was? for that he had been a volunteer with the pirates, from a ship commanded by one John Tarlton. And when the deponent came to be a prisoner himself, he found Thomas, the brother of this John Tarlton, a prisoner also, who was immediately, on Wilson's instigation, misused and beat, and had been shot, through the fury and rage of those fellows, if some, more compassionate than the rest, had not hid him in a stay-sail, under the bowsprit; for Moody and Harper, with their pistols cocked, searched every corner of the ship to find him, and came to this deponent's hammock, whom they had like fatally to have mistaken for Tarlton; but on his calling out, they found their error, and left him with this comfortable anodyne, that he was the honest fellow who bought the doctor. At coming away, the prisoner asked about his note, whether the pirates had it or no? Who not being able readily to tell, he replied, it's no matter, Mr. Sharp, I believe I shall hardly ever come to England to pay it.

Adam Comry, surgeon of the Elizabeth, said, although the prisoner had on account of his indisposition and want, received many civilities from him, before meeting with the pirates, he yet understood it was through his and Scudamore's means, that he had been compelled among them. The prisoner was very alert and cheerful, he said, at meeting with Roberts, hailed him, told him he was glad to see him, and would come on board presently, borrowing of the deponent a clean shirt and drawers, for his better appearance and reception; he signed their articles willingly, and used arguments with him to do the same, saying, they should make their voyage in eight months to Brazil, share 6 or 700*l.* a man, and then break up. Again, when the crew came to an election of a chief surgeon, and this deponent was set up with the others, Wilson told him, he hoped he should carry it from Scudamore,

for that a quarter share, which they had more than others, would be worth looking after ; but the deponent missed the preferment, by the Ranger's people voting for Scudamore, in order, he believed, to get rid of him, the chief surgeon being always to remain with the commodore.

It appeared likewise, by the evidence of Captain John Trahern, Thomas Castle, and others, who had been taken by the pirates, and thence had opportunities of observing the prisoner's conduct, that he seemed thoroughly satisfied with that way of life, and was particularly intimate with Roberts ; they often scoffing at the mention of a man of war, and saying, if they should ever meet with any of the Turnipman's ships, they would blow up, and go to h—ll together. Yet, setting aside these silly freaks to recommend himself, his laziness got him many enemies ; even Roberts told him (on the complaint of a wounded man whom he refused to dress,) that he was a double rogue to be there a second time, and threatened to cut his ears off.

The evidences further assured the court, from captain Thomas Tarlton, that the prisoner was taken out of his brother's ship, some months before, a first time ; and, being forward to oblige his new company, he presently asked for the pirate's boat, to fetch the medicine chest away ; when the wind and current proving too hard to contend with, they were drove on shore at Cape Montzerado.

The prisoner called for William Darling, Samuel Morwel, and Nicholas Butler.

William Darling deposed, that the first time the prisoner fell into their hands, Roberts mistook him for John Tarlton the master, and being informed it was the surgeon who came to represent him, he presently swore he should be his mess-mate, to which Wilson replied, he hoped not, for he had a wife and child, which the other laughed at. This evidence added, that he had been two days on board, before he went in that boat, which was drove on shore at Cape Montzerado. And at his second coming, in the Elizabeth, he heard Roberts order he should be brought on board in the first boat.

Samuel Morwell said, that he had heard him bewail his condition, while on board the pirate, and desire one Thomas to use his interest with Roberts for a discharge, saying, his employ, and the little he had left at home, would he hoped, exempt him from the further trouble of seeking his bread at sea.

Nicholas Butler, who had remained with the pirates about forty-eight hours, when they took the French ships at Whydah, deposed, that in this space the prisoner addressed him in the French language several times, deplored the wretchedness and ill fortune of being confined in such company.

The prisoner desiring the liberty of two or three questions, asked, whether or not he had not expostulated with Roberts, for a reason of his obliging surgeons to sign their articles, when heretofore they did not? Whether he had not expressed himself glad of having formerly escaped from them? Whether he had not said, at the taking of the ships in Whydah road, that he should not like the sport, were it lawful? And whether he had not told him, that should the company discharge any surgeon, he would insist on it as his turn? The deponent answered yes, to every question separately; and further, that he believed Scudamore, had not seen Wilson when he first came and found him out of the Elizabeth.

He added, in his own defence, that being surgeon with one John Tarlton of Liverpool, he was met a first time on the coast of Guinea, by Roberts the pirate: who, after a day or two, told him to his sorrow, that he was to stay there, and ordered him to fetch his chest; (not medicines, as was asserted,) which opportunity he took to make his escape; for the boat's crew happening to consist of five French and one Englishman, all as willing as himself, they agreed to push the boat on shore, and trust themselves with the negroes of Cape Montzerado—hazardous, not only in respect of the dangerous seas that run there, but the inhumanity of the natives, who sometimes take a liking to human carcasses. Here he remained five months, till Thomas Tarlton, brother to his captain, chanced to put in the road for trade, to whom he represented his hardships and starving condition; but

was, in an unchristian manner, both refused a release of this captivity, or so much as a small supply of biscuit and salt meat ; because, as he said, he had been among the pirates. A little time after this, the master of a French ship paid a ransom for him, and took him off ; but, by reason of a nasty leperous indisposition he had contracted by hard and bad living, he was, to his great misfortune, set ashore at Sestos again, when Captain Sharp met him, and generously procured his release in the manner himself has related, and for which he stands infinitely obliged. — That ill luck threw him a second time into the pirates' hands, in this ship Elizabeth, where he met Thomas Tarlton, and thoughtlessly used some reproaches of him, for his severe treatment at Montzerado ; but without design that his words should have had so bad a consequence ; for Roberts took upon him, as a dispenser of justice, to correct Mr. Tarlton, beating him unmercifully ; which severity, he hoped it would be believed, was contrary to any intention of his, because, as a stranger, he might be supposed to have no influence, and he believed there was some other motive for it. — He could not remember that he expressed himself glad to see Roberts this second time, or that he dropped those expressions about Comry as were sworn ; but if immaturity of judgment had occasioned him to slip rash and inadvertent words, or that he had paid any undue compliments to Roberts, it was to ingratiate himself, as every prisoner did, for a more civil treatment, and in particular to procure his discharge, which he had been promised, and was afraid would have been revoked, if such a person as Comry did not remain there to supply his room ; and of this he said, all the gentlemen (meaning the pirates) could witness for him.

He urged also his youth in excuse for his rashness. — The first time he had been with the pirates, which was only a month in all, and that in no military employ ; but in particular, the service he had done, in discovering their design to rise and rebel in their passage on board the Swallow. Guilty.

But execution to be respite till the king's pleasure be known, because the commander of the Swallow

had declared that the first notice he received of this design of the pirates to rise, was from him.

BENJAMIN JEFFERYS.

By the depositions of Glasby and Lilburn (both acquitted,) against this prisoner, it appeared, that his drunkenness was what at first detained him from going away in his proper ship, the Norman Galley, which had been taken and discharged ; and next morning, having been abusive to the pirates, he received for a welcome, six lashes from every person in the ship, which disordered him for some weeks ; but on recovery, he was made boatswain's mate ; the serving of which, or any office on board a pirate, is at their own option (though elected,) because others are glad to accept what brings an additional share of prize.

The deponents furthersaid, that at Sierra-Leone, every man had more especially the means of escaping ; and that this prisoner in particular neglected it, and came off from that place, after their ship was under sail, and going out of the river.

The prisoner in his defence, protested he was at first forced ; and that the office of Boatswain's mate was imposed on him, and what he would have been glad to have relinquished. That the barbarous whipping he had received from the pirates at first, was for telling them that none who could get their bread in an honest way would be on such an account. And he had certainly taken the opportunity which presented at Sierra-Leone of ridding himself from so distateful a life, if there had not been three or four of the old pirates on shore at the same time, who, he imagined, must know him, and would doubtless have served him the same, if not worse, than they once had done William Williams ; who, for such a design, being delivered up by the treacherous natives, had received two lashes through the whole ship's company.

The court observed, that the excuse of these pirates, about want of means to escape, was oftentimes as poor and evasive, as their pleas of being forced at first ; for here at Sierra-Leone, every man had his liberty on shore, and it was evident might have kept it, if he,

or they, had so pleased. And such are further culpable, who, having been introduced into the society by such uncivil methods as whipping or beating, neglect less likely means of regaining liberty ; it shews strong inclinations to dishonesty, and they stand inexcusably Guilty.

### Jo. MANSFIELD.

It was proved against this prisoner, by Captain Thern and George Fenn, that he was one of those volunteers who were at the attack and robbery of the company's ship called the King Solomon. That he was a bully to those who dared not make any reply, but was very submissive to those who knew him ; for Moody, on this occasion, took a large glass from him, and threatened to blow his brains out (a favourite phrase with these pirates) if he muttered at it.

From others acquitted, it likewise appeared, that he was first a volunteer among them, from an island called Dominico, in the West Indies, and had, to recommend himself, told them, he was a deserter from the Rose, man of war, and before that, had been on the highway ; he was always drunk, they said, and so bad at the time they met the Swallow, that he knew nothing of the action, but came up vapouring with his cutlass, after the Fortune had struck her colours, to know who would go on board the prize ; and it was some time before they could persuade him of the truth of their condition.

He could say little in defence of himself, and acknowledged this latter charge of drunkenness ; a vice, he said, that had too great a share in ensnaring him into this course of life, and had been a greater motive with him than gold. Guilty.

### WILLIAM DAVIS.

William Allen deposed, that he knew the prisoner at Sierra-Leone, then belonging to the Anne galley ; that he had a quarrel with, and beat the mate of that ship, for which, being afraid to return to his duty, he consorted to the idle customs and ways of living among the negroes, from whom he received a wife,

and ungratefully sold her one evening for some punch to quench his thirst. After this, having put himself under the protection of Mr. Plunket, governor for the Royal African Company, the relations and friends of the woman applied to him for redress, who immediately surrendered the prisoner, and told them, he did not care if they took his head off; but the negroes wisely judging it would not fetch a very good price, sold him in his turn to Seignior Jossee, a christian black, and native of that place; who expected and agreed for two years service from him, in consideration of what he had disbursed. But long before the expiration of this time, Roberts and his gang came into Sierra-Leone River, where the prisoner (as Seignior Jossee often assured the deponent) entered a volunteer with them.

The deponent further corroborated this part of the evidence; in that he being obliged to call at Cape Mount, in his passage down hither, met there with two deserters from Roberts's ship, who assured him of the same; and that the pirates did design to turn Davis away the next opportunity, as an idle good for nothing fellow.

From Glasby and Lilburn, it was evident, that every pirate, while they staid at Sierra-Leone, went on shore at discretion. That Roberts had often assured Mr. Glyn, and other traders, at that place, that he would force nobody; and, in short, there was no occasion for it; in particular, the prisoner's row-mate went away, and consequently he might have done the same, if he had pleased.

The prisoner alleged his having been detained against his will, and said, that returning with elephants' teeth, for Sierra-Leone, the pirate's boat pursued and brought him on board, where he was kept, on account of his understanding the pilotage and navigation of that river.

It was obvious to the court, not only how frivolous the excuses of constraint and force were among these people, at their first commencing pirates; but also it was plain to them, from these two deserters met at Cape Mount, and the discretionary manner they lived in at Sierra-Leone, through how little difficulty several of

them did, and others might, have escaped afterwards, if they could but have obtained their own consents for it. Guilty.

This is the substance of the trials of Roberts's crew, which, as the most interesting on record, we have given at great length.

The following pirates were executed, according to their sentence, without the gates of Cape Corso Castle, within the flood-marks, viz.

Men's Names.		Age.	Habitations.
William Magnes	-	35	Minehead
Richard Hardy	-	26	Wales
David Sympson	-	36	North Berwick
Christopher Moody	-	28	
Thomas Sutton	-	23	Berwick
Valentine Ashplant	-	32	Minories
Peter de Vine	-	42	Stepney
William Phillips	-	29	Lower Shadwell
Phillip Bill	-	27	St. Thomas's
William Main	-	28	
William Mackintosh	-	21	Canterbury
William Williams	-	40	Nigh Plymouth
Robert Haws	-	31	Yarmouth
William Petty	-	30	Deptford
John Jaynson	-	22	Nigh Lancaster
Marcus Johnson	-	21	Smyrna
Robert Crom	-	44	Isle of Man
Michael Maer	-	41	Ghent
Daniel Harding	-	26	Croomsbury in Somersetshire
William Fernon	-	22	Somersetshire
Jo. More	-	19	Meer in Wiltshire
Abraham Harpe	-	23	Bristol
Jo. Parker	-	22	Winfred in Dorsetshire
Jo. Philips	-	28	Alloway in Scotland
James Clement	-	20	Jersey
Peter Scudamore	-	35	Bristol
James Skyrm	-	44	Wales
John Walden	-	24	Somersetshire
Jo. Stephenson	-	40	Whitby
Jo. Mansfield	-	30	Orkneys
Israel Hynde	-	30	Bristol
Peter Lesley	-	21	Aberdeen
Charles Bunce	-	26	Exeter
Robert Britson	-	30	Other St. Maries, Devon.
Richard Harris	-	45	Cornwall
Joseph Nositer	-	23	Sadbury in Devonshire
William Williams	-	30	Speechless at execution

Men's Names.	Age.	Habitations.
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Agge Jacobson	-	30 Holland
Benjamin Jefferys	-	21 Bristol
Cuthbert Goss	-	21 Topsham
John Jessup	-	20 Plymouth
Edward Watts	-	22 Dunmore
Thomas Giles	-	26 Minehead
William Wood	-	27 York
Thomas Armstrong	-	34 London, executed on board the Weymouth
Robert Johnson	-	32 At Whydah
George Smith	-	25 Wales
William Watts	-	23 Ireland
James Phillips	-	35 Antigua
John Coleman	-	24 Wales
Robert Hays	-	20 Liverpool
William Davis	-	23 Wales

The remainder of the pirates, upon their humble petition to the court, had their sentence changed from death, to seven years servitude, conformable to sentence of transportation.

George Wilson and Thomas Oughterlauney, were respited from execution, till his majesty's pleasure should be known: the former died abroad, and the latter came home, and received his majesty's pardon. The account of the whole stands thus:

Acquitted	-	-	-	-	-	-	-	74
Executed	-	-	-	-	-	-	-	52
Respited,	-	-	-	-	-	-	-	2
To servitude,	-	-	-	-	-	-	-	20
To the Marshalsea,	-	-	-	-	-	-	-	17
Killed	{	In the Ranger,	-	-	-	-	-	10
		In the Fortune,	-	-	-	-	-	3
Died	{	In the passage to Cape Corso,	-	-	-	-	-	15
		Afterwards in the castle,	-	-	-	-	-	4
Negroes in both ships.	-	-	-	-	-	-	-	70
								Total, 237

The first six that were called to execution, were Magnes, Moody, Sympson, Sutton, Ashplant, and Hardy; all of them old standers and notorious offenders. When they were brought out of the hold, on the parade, in order to break off their fetters, and fit the

nasters, none of them, it was observed, appeared the least dejected, unless Sutton, who spoke faint, but it was rather imputed to a flux that had seized him two or three days before, than fear. A gentleman, who was surgeon to the ship, was so charitable at this time, as to offer himself in the room of an ordinary, and represented to them, as well as he was able, the heinousness of their sin, and the necessity which lay on them of repentance ; one particular part of which he observed, ought to be, acknowledging the justice they had met with. They seemed heedless for the present, some calling for water to drink, and others applying to the soldiers for caps ; but, when this gentleman pressed them for an answer, they all exclaimed against the severity of the court, and were so hardened, as to curse, and wish the same justice might overtake all the members of it, as had been dealt to them. "They were poor rogues," they said, "and so hanged ; while others, no less guilty in another away, escaped."

When he endeavoured to compose their minds, exhorting them to die in charity with all the world, and would have diverted them from such vain discourse, by asking them their country, age, and the like ; some of them answered, "what was that to him, they suffered the law, and should give no account but to God." They walked to the gallows without a tear in token of sorrow for their past offences, or shewing so much concern as a man would express at travelling a bad road. Hardy, when his hands were tied behind him (which happened from their not being acquainted with the way of bringing malefactors to execution,) observed "that he had seen many a man hanged, but this way of the hands being tied behind them, he was a stranger to, and never saw before in his life." We mention these two little instances, to shew how stupid and thoughtless they were of their end, and that the same abandoned and reprobate temper that had carried them through their rogueries, abided with them to the last.

Samuel Fletcher, another of the pirates ordered for execution, but reprieved, seemed to have a quicker sense of his condition ; for when he saw those he was allotted with gone to execution, he sent a message by

the provost-marshall to the court, to be “ informed of the meaning of it, and humbly desired to know, whether they designed him mercy, or not? If they did, he stood infinitely obliged to them, and thought the whole service of his life an incompetent return for so great a favour; but that if he was to suffer, the sooner the better, he said, that he might be out of his pain.”

There were others of these pirates likewise very penitent, and, though destitute of ministers to represent their sins to them, and assist them with spiritual advice, were yet always employing their time to good purposes, and behaving with a great deal of seeming devotion and penitence: among these may be reckoned Scudamore, Williams, Philips, Stephenson, Jefferys, Lesly, Harper, Armstrong, Bunce, and others.

Scudamore too lately discerned the folly and wickedness of the enterprise that had chiefly brought him under sentence of death; from which, seeing there was no hopes of escaping, he petitioned for two or three days’ reprieve, which was granted, and for that time he applied himself incessantly to prayer, and reading the scriptures; seemed to have a deep sense of his sins, and of this in particular, and desired at the gallows that they would have patience with him, to sing the first part of the thirty-first Psalm, which he did by himself throughout.

Armstrong, having been a deserter from his majesty’s service, was executed on board the Weymouth (and the only one that was); there was nobody to press him to an acknowledgment of the crime he died for, nor of sorrowing in particular for it, which would have been exemplary, and made suitable impressions on seamen; so that his last hour was spent in lamenting and bewailing his sins in general; exhorting the spectators to an honest and good life, in which alone they could find satisfaction. In the end, he desired they would join with him in singing the two or three latter verses of the 140th Psalm; and that being concluded, he was, at the firing of a gun, suspended at the fore-yard arm.

Bunce was a young man, not above twenty-six years old, but made the most pathetic speech of any at the gallows. He first declaimed against the gilded baits

of power, liberty, and wealth, that had ensnared him among the pirates, his inexperienced years not being able to withstand the temptation ; but that the briskness he had shown, which so fatally had procured him favour amongst them, was not so much a fault in principle, as the liveliness and vivacity of his nature. He was now extremely afflicted for the injuries he had done to all men, and begged theirs and God's forgiveness, very earnestly exhorting the spectators to remember their Creator in their youth, and guard, betimes, that their minds took not a wrong bias, concluding with this apt similitude, that he stood there as a beacon upon a rock (the gallows standing on one) to warn erring mariners of their danger.

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## JONATHAN WILD.

ON Monday, Feb. 15, 1724-5, Jonathan Wild was apprehended at his house in the Old Bailey, and carried before Sir John Fryar, Bart. He was charged upon oath with assisting one Johnston, a highwayman, to make his escape from a constable at Bow, near Stratford, in the county of Middlesex, and was thereupon committed to Newgate.

The session at the Old Bailey beginning on Wednesday, the 24th of the same month, he entered his prayer to be tried that sessions, or bailed, or discharged. But on the Friday following, there came down a warrant of detainer, which was produced in court with several informations upon oath, to the following effect :—

1. That for many years past he had been a confederate with a great number of highwaymen, pick-pockets, house-breakers, shop-lifters, and other thieves.

2. That he had formed a kind of corporation of thieves of which he was the head or director, and that notwithstanding his pretended services, in detecting and prosecuting offenders, he procured such only to be hanged as concealed their booty, or refused to share it with him.

3. That he had divided the town and country into so many districts, and appointed distinct gangs for each, who regularly accounted with him for their robberies. That he had also a particular set to steal at churches in time of divine service ; and likewise other

moving detachments to attend at court, on birth-days, balls, &c. and at both houses of parliament, circuits, and country fairs.

4. That the persons employed by him were for the most part felons convict, who had returned from transportation before the time, for which they were transported, was expired; and that he made choice of them to be his agents, because they could not be legal evidence against him, and because he had it always in his power to take from them what part of the stolen goods he thought fit, and otherwise use them ill, or hang them as he pleased.

5. That he had from time to time supplied such convicted felons with money and clothes, and lodged them in his own house, the better to conceal them; particularly for counterfeiting and diminishing broad pieces and guineas.

6. That he had not only been a receiver of stolen goods, for near fifteen years past, but had frequently been a confederate, and robbed along with the above-mentioned convicted felons.

7. That in order to carry on these vile practices, and to gain some credit with the ignorant multitude, he usually carried a short silver staff, as a badge of authority from the government; which he used to produce, when he himself was concerned in robbing.

8. That he had under his care and direction, several warehouses for receiving and concealing stolen goods; and also a ship for carrying off jewels, watches, and other valuable goods, to Holland, where he had a superanuated thief for his factor.

9. That he kept in pay several artists to make alterations, and transform watches, seals, snuff-boxes, rings, and other valuable things, that they might not be known, several of which he used to present to such persons as he thought might be of service to him.

10. That he seldom or never helped the owners to the notes and papers that they had lost, unless he found them able exactly to specify and describe them, and then often insisted on more than half the value.

11. And lastly, it appears that he has often sold human blood, by procuring false evidence to swear persons into facts they were not guilty of; sometimes to prevent them from being evidence against himself, and at other times for the sake of the great reward given by the government.

Besides these informations, an affidavit of Mr. Jones's was read in court, importing, that there were two persons who offered to charge Wild with crimes of a capital nature; namely, John Follard, and Thomas Butler, who had both been convicted, but obtained his majesty's pardon. These, it was expected, would have been evidences against Jonathan; but he saved them the trouble, by committing a felony while he was a prisoner in Newgate.

On Saturday, August 10, the last day of the sessions, he moved by his counsel that his trial might be deferred till next sessions; and an affidavit made by

himself was read in court, the purport of which was, that the last night he was accidentally informed, that the Grand Jury had found a bill against him for felony, but he knew not what felony, since which he had not had time to procure his witnesses, without whom he was not able to make his defence; one of them living near Brentford, and another in Somersetshire.

This motion was opposed by the counsel for the crown. They urged that, as he was in custody, he could not but expect his trial to come on at the ensuing sessions, and therefore ought to have been prepared for it. That, if the single affidavit of a prisoner in such a case might pass, nobody would want excuses, and any trial hereafter might be put off by the same rule. That he had not so much as named his witnesses; and though he says in his affidavit he knows not what he is indicted for, yet he swears that these are material witnesses.

The prisoner then said, that the names of the witnesses were: Hays, at the Pack-horse on Turnham Green, and Wilson, a clothier in Froome; and that though he did not know particularly what he was indicted for, yet he had heard it was something about one Stetham, and his counsel moved that the names might be put into his affidavit, and that he might swear it over again.

The council for the king returned, that justice would never be denied him, but he stood entitled to no favour, and that they were not sure that the two persons, who had pleaded to their pardons, would be to be found at the next sessions.

Some gentlemen upon the bench appearing willing that the prisoner should be allowed time till the following sessions, to prepare for his defence, the court told him, they had no more to say to him. He bowed, and answered, "I thank your lordship and am very glad of it."

Follard and Butler were bound each in a bond of 500*l.* to appear at the next sessions.

On Saturday, May 15, 1725, Jonathan Wild was indicted for privately stealing in the shop of Catherine Stetham, in the parish of St. Andrew, Holborn, fifty

yards of lace, value forty pounds, the goods of Catherine Stetham, January 22, 1724-5.

He was a second time indicted, for that, whereas fifty yards of lace, value forty pounds, were privately stolen in the shop of Catherine Stetham, by persons unknown to the jurors; on the 22d of January, 1724-5, he the said Jonathan Wild afterwards, that is to say, on the 10th of March, in the same year, feloniously did receive of the said Catherine, ten guineas on account, and under colour of helping her to the said lace again, and did not then, or at any time since, discover, apprehend, or cause to be apprehended and prosecuted, the felon who stole the said lace.

The prisoner, in the morning before his trial came on, dispersed among the jurymen, and several others who were then walking on the leads before the court, a considerable number of printed papers, entitled, "A list of the persons discovered, apprehended, and convicted of several robberies on the highway; and also for burglary and housebreaking; and also for returning from transportation, by Jonathan Wild, as followeth, viz. robbing on the highway, 35. House-breaking, 22. Returning from transportation, 10.

" Note, several others having been also convicted for the like crimes, but, remembering not the persons' who have been robbed, I, on that account, omit the criminals' names.

" Please to observe, that several others, whose names are far too numerous to be inserted here, have also been convicted of shop-lifting, picking of pockets, &c. by my means, and through my exertions.

" In regard therefore of the number above convicted, some, who have yet escaped justice, are endeavouring, out of revenge, to take away the life of me, the said

JONATHAN WILD."

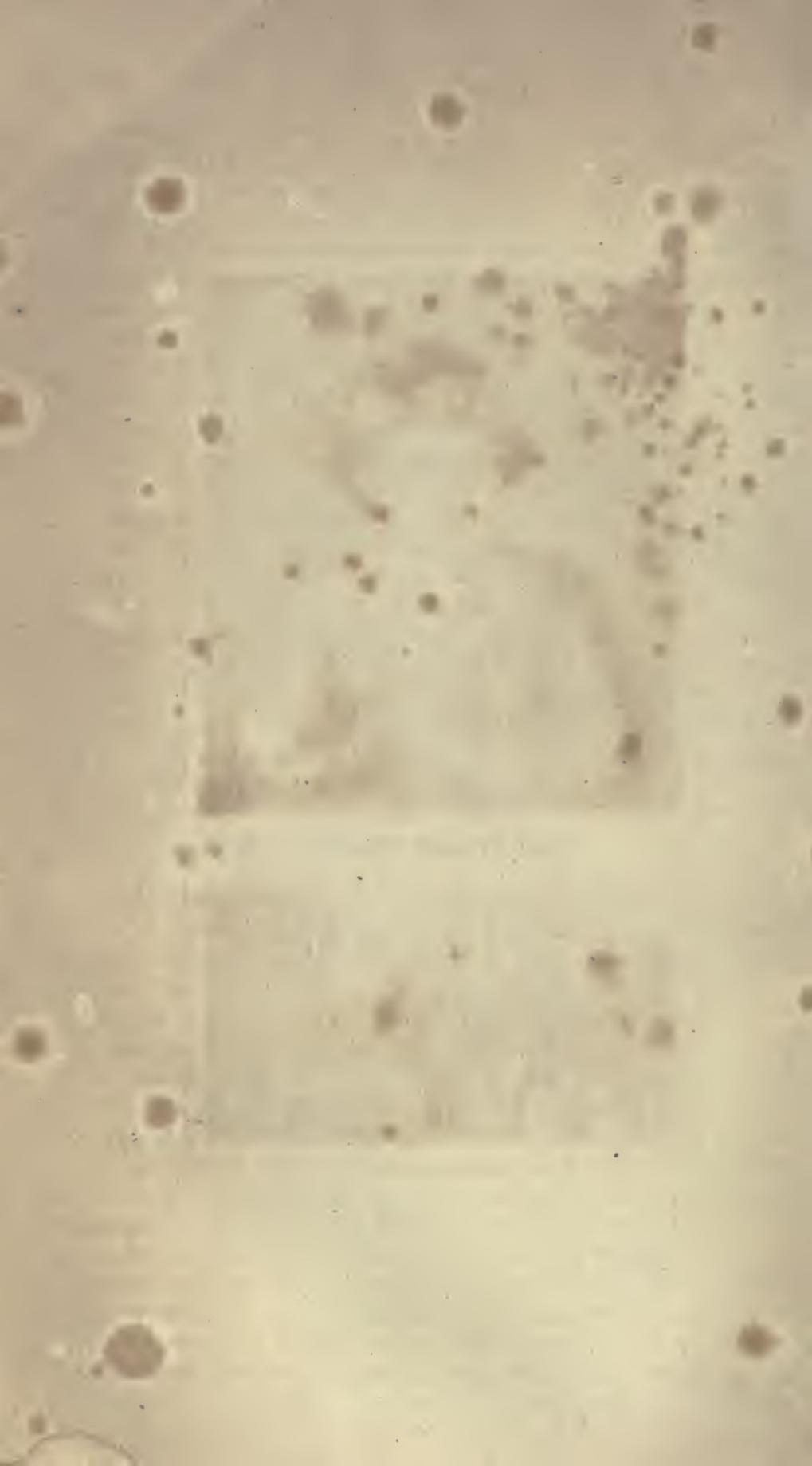
The jury having taken their seats, and the prisoner brought to the bar, the counsel for the king, took notice of the prisoner's extraordinary proceeding, in relation to the above-mentioned papers: that such practices were unwarrantable, and not to be suffered in any court of justice: this was apparently intended to take off the credit of the king's witnesses, and possess and influence the jury. Though, as he believed



JONATHAN WILD.



*Nolle & Strutt 1788 Printed.*



them to be men of integrity, he was under no apprehensions that it would have such effect, but that they would give a conscientious verdict according to evidence; and that whatever the prisoner might hope for, from such indirect management, it was far from making his cause appear in a more favourable light. That it was impossible, but that a man who had trained up, and erected a corporation of thieves, a man who had carried on a trade of felony for so many years, and made it his constant known practice to procure goods that had been lost in any part of the town, must have had it in his power to detect those felons he was concerned with. And yet, that there was good reason to believe, that, (to the great scandal of public justice,) he had intimidated many from information, and prevented them from making such discoveries, as might have been of public advantage. That if a strict inquiry was to be made after the motives of his apprehending and convicting those criminals, named in his list, we might find they were private interest, old grudges, or fresh quarrels, and not the least regard to justice and the good of his country.

The prisoner prayed that the witnesses against him might be examined apart; which the court granted.

*First indictment, for stealing the lace.*

*Henry Kelly.* On Friday, the 22d of January last, I went to visit Mrs. Johnston, an acquaintance of mine, and who then lived at the prisoner's house. I found her at home, and we drank a quartern of gin together. By and by in came Peg Murphey, with a pair of brocaded shoes and clogs, and made a present of them to madam Wild, the prisoner's wife. The prisoner was in company with us at the same time, and when we had drank two or three quarterns more, Murphey and I got up to go away together. He asked us which way we were going? I said to my lodging at the Seven Dials. I suppose, said he, you go along Holborn? we answered yes. Why then, said he, I'll tell you what. There's an old blind wench that keeps a shop within twenty yards of Holborn-bridge, and sells fine Flanders lace, and her daughter is as blind as herself: now, if you'll take the trouble

of calling upon her, you may *speak* with a box of lace. I'll go along with you, and shew you the door.

*Court.* What do you understand by speaking with a box of lace?

*Kelly.* To speak with a thing is to steal it. So we agreed; and the prisoner and I, and Murphey, went together, till we came within sight of the shop, and then he pointed, and shewed us which it was, and said he, do you go, and I'll wait here, and bring ye off, if any disturbance should happen. Murphey and I went in, and turned over several parcels of lace, but could not find that which would please us; for it was our business to be mighty nice and difficult. This piece was too broad, and that too narrow, and t'other not fine enough. At last the old woman stepped up stairs to fetch another piece, and in the mean time I took a tin-box of lace, and gave it to Murphey, who put it under her cloak. The old woman came down again with another box, and shewed us several more pieces, but we could not agree about the price, and so we came away, and found the prisoner where we had left him, and told him we had *spoke*. We all went back to his house, where we opened the box, and found eleven pieces in it. He asked us if we'd have ready money, or stay till an advertisement came out? Stock was pretty low with us at that time, and so we chose ready money, and he gave us three guineas, and four broad pieces. I can't afford to give any more, says he, for she's a hard-mouthed old wench, and I shall never get above ten guineas out of her. I took the three guineas and a crown for my own share, and Murphey had the rest. I was taken up by means of Butler, and so I made my information.

*Margaret Murphey* confirmed all the particulars of the foregoing evidence, relating to this robbery.

*Catherine Stretham*, the elder. On the 22d of January, between three and four o'clock in the afternoon, a man and woman came into my shop, on pretence of buying some lace for stocks. I shewed them two or three parcels, but they were so difficult, that nothing I had below would please them; and so, leaving my daughter in the shop, I stepped up stairs, and brought down another box. Well, that would do, but what

was the price ? I asked them six shillings a yard. No, they would give me four. I told them I could not take it, and so they went out ; and, in about three hours afterwards, I missed a tin box of lace, which I valued at fifty pounds.

Here the prisoner's counsel (who attended to speak to any point that should arise) begged leave to observe, that according to the evidence given against the prisoner, he could not, in their opinion; which they submitted to the court, be guilty of this indictment, because the indictment sets forth that HE did privately steal the lace IN the shop ; when it is certain that he did not enter the shop. That he might be guilty of a single felony, in being accessory before the fact, or in receiving the goods afterwards, knowing them to have been stolen ; but could not, as they apprehended, be guilty of the capital offence, except (as the act directs) it had been inserted in the indictment that he did assist, command, or hire.

The court, in summing up the evidence, observed to the jury, that in other cases, as in robberies and burglaries, an accessory before the fact is a principal. He that stands by, or watches at a distance, being as guilty, and liable to the same punishment, as the very person that enters the house, or steals the money or goods ; but as it was not remembered that there had been yet any precedent of the like construction being put upon indictments of this nature, it remained a matter of doubt, and therefore, in such a case, it was most eligible to incline to the side of mercy.

*The second indictment : For taking money on pretence of restoring the stolen goods, and not prosecuting the felon.*

The council for the king having opened the indictment and the evidence against the prisoner, the court ordered the clerk to read the following clause of an act made in the fourth year of George I., on which the indictment was founded :—

“ —— And whereas, there are divers persons, who have secret acquaintance with felons, and who make it their business to help persons to their stolen goods, and by that means gain money from them, which is divided between them and the felons, whereby they

greatly encourage such offenders ; be it enacted, by the authority aforesaid, that wherever any person taketh money or reward, directly or indirectly, under pretence, or upon account of helping any person or persons to any stolen goods or chattels, every such person taking money or reward as aforesaid, (unless such person do apprehend, or cause to be apprehended, such felon, who stole the same, and give evidence against him,) shall be guilty of felony, according to the nature of the felony committed, in stealing such goods, and in such and the same manner, as if such offender had stolen such goods and chattels, in the manner, and with such circumstances as the same were stolen."

*Catherine Setham*, the elder. On the 22d of Jan. last, in the afternoon, a box of lace, which I valued at 50l. was stolen out of my shop. I went the same night to the prisoner's house to inquire after it, but not finding him at home, I advertized the lace I had lost with a reward of fifteen guineas, and no questions to be asked ; but, hearing no news of it, I went to the prisoner's house again, and then I met with him. He desired me to give him a description of the persons I suspected, which I did as well as I could. Upon this he promised to make inquiry, and bid me call again in two or three days ; I did so, and then he said he had heard something of my lace, and expected to hear more in a little time. While we were talking, a man comes in, and said, that by what he had learned, he believed that one Kelly, who had been tried for putting off gilded shillings, was concerned in stealing the lace. I went away, and came again on that day the prisoner was apprehended—I think it was on the 15th of February.—I told him, that though I had advertised but fifteen guineas reward, I would give twenty, or twenty-five, rather than not have my lace again. Don't be in such a hurry, good woman, says he, perhaps I may help you to it for less, and if I can I will ; the persons that have your lace are gone out of town ; I shall set them a quarrelling about it, and then shall get it the cheaper. On the 10th of March he sent me word, that if I would come to him in Newgate, and bring ten guineas in my pocket, he could help me to my lace. I went ; he desired me to call a porter, but I telling him I knew not where to find one, he sent out a person who brought a man who appeared to be a ticket-porter. The prisoner gave me a letter, which

he said was sent to him, as a direction where to go for the lace ; but, as I could not read, I delivered it to the porter ; after which the prisoner bid me give the porter ten guineas, or else, he said, the persons who had the lace would not deliver it. I gave the porter the money, and he went away, and in a little while returned with a box sealed up, but it was not the same that I had lost. I opened it, and found all my lace, except one piece. Now, Mr. Wild, said I, what must I give you for your trouble ?" " Not a single farthing," he answered, " I don't do those things for worldly interest, but for the benefit of those poor people who have met with misfortunes. As for the piece of lace that is missing, I would not have you be uneasy, for I hope to get it for you ere it be long ; nay, and I don't know, but in a little time I may not only help you to your ten guineas again, but to the thief too. And if I can, much good may it do you ; and, as you are widow, and a good christian, I desire nothing of you but your prayers, and for them I shall be thankful. I have many enemies, and God knows what may be the consequence of this imprisonment."

*Prisoner.* I hope the court will consider the service I have done in convicting a great number of criminals.—I demand that Murphey and Kelly be called in again, that I may ask them a question or two.—Mrs. Murphey, I desire to know,—

*Court.* You must not propose your question to the witness, but to the court, and if your question is proper the court will require the witness to answer it.

*Prisoner.* I beg your lordship will ask her who stole the lace ?

*Court.* That's not a proper question ; for, as she is upon oath we cannot require her to answer any questions to accuse herself.

*Prisoner.* She swore that on the first indictment.

*Court.* Whatever she swore upon that trial, we cannot take notice of upon this, except she was now to swear it over again, which we cannot require her to do.

*K. Counsel.* This indictment is laid for taking money of Catherine Stetham, under pretence of helping her to goods that had been stolen by persons unknown,

and the prisoner would now ask the witness who stole the goods?—

*Prisoner.* I would ask her, then, if I stole the lace?

*Murphey.* No; but you was concerned with those that did steal it, and you received it after it was stolen.

Here the prisoner's counsel begged leave to observe, that as Murphey had sworn the prisoner guilty of a felony, in being concerned with those that stole the goods, they presumed that the act upon which he was now indicted was never intended to affect him, or any other felon, but only such persons as were not felons themselves, but held a correspondence with felons themselves. For as there were old laws in force for the punishment of felons, it would have been wholly unnecessary that a new law should be made to the same purpose; that is, to no purpose at all.—That the very preamble to the clause of the act on which the prisoner stands indicted, intimates, by a plain distinction, that felons are not in that place intended. The words are these, ‘Whereas there are several persons who have secret acquaintance with felons, and who make it their business to help persons to their stolen goods, and by that means gain money from them which is divided between them and the felons.’—That by a proviso in the said clause, it could not be supposed that felons were then intended, without making contradictions and inconsistencies in the act itself. For the words are; ‘unless such person doth apprehend, or cause to be apprehended, such felon who stole the same, and cause such felon to be brought to trial for the same, and give evidence against him.’ Suppose now there was but one person concerned in such a case, can it ever be thought that the legislature intended that this very person should apprehend himself, bring himself to a trial, and give evidence against himself? No, certainly.

The counsel for the crown replied to this effect: that it was no absurdity or contradiction to say, that the act was intended to affect the felons; for, that a man's being a felon did not any way hinder him from discovering his accomplices, if he had any. And as to the supposition, that a felon had no accomplices, but committed the felony by himself, it was out of

the present question, and no way relating to the prisoner's case: for it was evident he had accomplices, and had not discovered them.

The court observed further; that felony was so far from being excepted in the act, that it was principally intended against them; for it particularly mentions those who make it their business to help people to stolen goods. And it was certain such persons must be receivers of stolen goods, and such are felons. That the case of the prisoner came within almost every circumstance of the act, it being evident, that 'he was the person who had secret acquaintance with felons, who made it his business to help people to stolen goods, and by that means gained money from them, which was divided between him and the felons, and thereby greatly encouraged such offenders, and had not apprehended them.' That it was a very surprising plea for a man to say, I am more guilty than you are aware of, and therefore ought to suffer the less: and that it could never be thought that the parliament intended, by this act, to excuse a man merely because he was a felon, and more criminal than another.

The jury acquitted the prisoner of the first indictment, and found him guilty of the second. Death.

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#### AN ACCOUNT OF JONATHAN WILD.

JONATHAN WILD was born at Wolverhampton, in Staffordshire, about the year 1682. At about fifteen years of age, Jonathan having made some progress at school in writing and arithmetic, was bound apprentice to a buckle-maker at Birmingham. When his time was expired, he married an honest woman at Wolverhampton, by whom he had one son. But they had not been married two years before Jonathan took it into his head to leave his wife and child, and come up to London. He had been but a few months in town before he ran himself so far in debt, that he was arrested and thrown into Wood-street Compter. He says himself, (in a pamphlet which he published in vin-

cation of his character) that, ‘ by misfortunes in the ‘ world, he was subject to the discipline of the Com- ‘ ter for above the space of four years, during which ‘ time he was, in some measure, let into the secrets of ‘ the criminals there under confinement ; of which knowledge he afterwards availed himself.

Here it was he contracted a close familiarity with one Mary Milliner, a common street-walker. She had run round the whole circle of vice, knew all the ways of the town, and most of its felonious inhabitants.

He took a little house in Cock-alley, opposite to Cripplegate church, where Jonathan, by his own industry, and his helpmate’s assistance, was in a short time made acquainted with all the thieves of any note, from the desperate highwayman, down to the more subtle impostor. He soon knew all their usual haunts, how they proceeded, and in consequence of this knowledge he had their lives in his power, and from a confidant became a director.

Formerly, when a thief had got a prize, he could easily find people enough to take it off his hands, at something less than the real value ; for the law had provided no punishment for the receiver. But, after the legislature had passed an act, which made it felony to receive stolen goods, knowing them to be stolen, a considerable stop was put to this practice. Those few that continued it were obliged to act very cautiously, and as they ran great hazards, they insisted on such extravagant profits, that the thieving trade was in danger of coming to nothing.

But Jonathan contrived a scheme that gave new life to the business ; and convening some of his chief prigs, he laid the matter before them.

You know, my bloods (quoth he) that as trade goes at present, you stand but a queer chance; for, when you have made any thing, if you carry it to the pawn-brokers, those unconscionable dealers in contraband goods will hardly tip ye a quarter of what it is worth ; and, if ye offer it to a stranger, it’s ten to one but ye are babbled. So that there is no such thing as a man’s living by his labour ; for, if he don’t like to be half starved, he must run the hazard of being scragged,

which, let me tell you, is a d——d hard case. Now if you will take my advice, I'll engage to pay back the goods to the cull that owns them, and raise you more cole upon that account, than you can expect from the rascally brokers ; and at the same time take care that you shall be all insured.

This was received with general approbation, and immediately put in practice. No sooner was a robbery committed, but Jonathan was informed what the goods were, when, how, and from whom they were taken. The goods were deposited in some convenient place, but not in his own house ; for, at his first setting up in business, he acted very cautiously, though afterwards he grew daring. When things were thus prepared, away went Jonathan, or the bone of his bone, to the persons who had been plundered, and addresses them to this purpose :

"I happened to hear that you have lately been robbed, and a friend of mine, an honest broker, having stopped a parcel of goods upon suspicion, I thought I could do no less than give you notice of it, as not knowing but some of them might be your's ; if it proves so, (as I wish it may) you may have them again, provided that nobody is brought into trouble, and the broker has something in consideration of his care."

People who have been robbed are willing to recover their goods with as little trouble as possible, and therefore it is no wonder if they easily fell into Jonathan's measures. But if, as it sometimes happened, the person was too inquisitive, Sir, (says Jonathan,) I only came to serve you, and if you think otherwise, I must let you know that you are mistaken. I have told you that some goods being offered to pawn by a suspected person, the broker had the honesty to stop them ; and therefore, Sir, if you question me about thieves, I have nothing to say to you ; but that I can give a good account of myself, my name is Wild, and I live in Cock-alley, by Cripple-gate, where you may find me any day in the week ; and so, Sir, your humble servant. By this affected resentment, he seldom failed of bringing the injured person to treat with him upon his own terms, which on such occasions he commonly advanced.

All this while, as Jonathan had his profits out of what was paid to the broker, he took no money of those to whom he restored the goods, by which means he kept up a tolerable reputation, and at the same time there was no law in being that could affect him.

But as he soon became eminent in his profession, he altered some of his measures. He no longer applied to those who had lost any thing, but they were obliged to apply to him, if they expected his assistance, and he received them in his office with much formality. At their entrance it was hinted to them, they must deposit a crown as a fee for his advice. This being done, he demanded their names, where they lived, where and how they were robbed, if they suspected any persons, and what kind of persons they were, the particular goods that were lost, and what reward would be given if the goods were returned? These articles being known, were entered in a book he kept for that purpose, and then the persons were assured, that a careful enquiry should be made, and, if they called again in two or three days, he might possibly give them some intelligence.

When they came according to appointment, and desired to know what success he had met with? why indeed, says Jonathan, I have heard something of your goods, but the person I sent to enquire tells me that the rogues pretend they can pawn them for more than you offer, and therefore, if ever they make restitution, it must be upon better terms. However, if I can but once come to the speech of the rascals, I don't question but I shall bring them to reason.

If this did not always prevail with the owners of the goods, to offer an additional reward, it served at least to enhance their obligation to Jonathan, by making them imagine, he used them very kindly, and took a great deal of pains, if, after their attending two or three times, he helped them to their goods again at their own prices.

Jonathan had always some advantage or other in examining so minutely into the circumstances of a robbery. If, as was often the case, he knew as much of the matter before hand, as those who came for his assistance could tell him, his enquiries then served to

amuse them, and prevent their suspecting his consciousness. But, if he had not already been let into the whole, or any part of the secret, the exact information he received by this means, was such a check upon the thieves, that they seldom dared to conceal any thing from him ; and if they did, or refused to accept of his terms, it was at their peril.

Pocket-books, shop-books, accompts, and other writings, which were formerly looked upon as things of no use but to the owners, were now become articles of considerable advantage to the thief, and more to the receiver. Trifling curiosities, toys, and trinkets, would fetch more by being returned to the proprietors than any body else would give for them.

Jonathan now appeared with a sword by his side, and the first use we find he made of it was in an engagement with the wife of his bosom. She had some time so provoked him to wrath, that he swore by the lord, he would mark her, and thereupon drawing his sword, he smote off one of her ears. This occasioned a divorce ; but, however, Jonathan, in grateful consideration of the services she had done him, by bringing him into so large an acquaintance, and assisting him in his business, allowed her a weekly pension so long as she lived.

But, to look a little back, we must here observe, that, before Jonathan made any great figure, he was for some time assistant to Charles Hitchin, the City-Marshal, in searching infamous houses, and apprehending disorderly persons. After several rambles together for promoting so blessed a work, these pseudo reformers fell to loggerheads about one another's honesty, and so they parted ; and each of them separately, pursued the business of thief-taking.

In the same year, 1715, Jonathan left his house in Cock-alley, and took lodgings in the Old Bailey, where he went on in his own calling successfully, notwithstanding the Marshal's opposition.

If his people, as he used to call them, obeyed his orders, in letting him into the secrets of their robberies, and committed the goods to his disposal, he assured them, they might depend upon his protection ; and, indeed, he had so much honour, that to the

utmost of his power, he always performed what he promised them. This punctuality so established his credit, that if he sent for any of them, with a promise of a safe conduct, they would go to him directly, though they knew it was in his power to hang them. When they came, if they agreed with his proposals, they parted good friends, but, if they proved obstinate (even though he had an information against them,) he would say, "I have given you my word that you should come and go in safety, therefore you shall—but look to yourself, for, when you see me again, you see an enemy."

Nor is it a wonder that he acquired so great an ascendancy over them, when he was not only willing but commonly able to keep his word, whether it was to hang them or save them. If they had followed his instructions, they were sure he would not disturb them; and though they were apprehended by others, he seldom failed of procuring their discharge in a little time. He commonly got them to be admitted evidences, pretending that they were capable of making large informations against others, and in this case, if he found they were not sufficiently provided with particulars, he would furnish them with private memorandums of his own. If by such means he could not prevent their coming to a trial, he would contrive some method to keep the principal witnesses against them, out of the way, at the time when the prisoners were called to the bar, and then they would be discharged for want of evidence.

But on the other hand, when any of his people presumed to be independent, and took upon them to dispose of what they stole without consulting him, and submitting to his terms, or, by any other act of rebellion, forfeited his favour, they were sure to feel the effects of it. In such a case, no person could be so vigilant as Jonathan, to bring the offender to justice, and as he was well acquainted with all their places of resort, there was no such thing as escaping his hands.

Thus by punishing the disobedient, he not only got the reward allowed for convicting them, but established his authority over the others, and at the same time

appeared to have some pretence to the character of being a serviceable man to the public.

If some, (who could make free with him,) inquired how it was possible for him to carry on such a trade without being in league and confederacy with thieves ? he answered, “ I have, indeed, a large acquaintance among such sort of people, and when I hear that such a robbery has been committed at such a time, and that such and such goods have been taken away, I send to enquire after the suspected persons, and order word to be left at the most likely places for them to hear of it, that if they will cause the goods to be carried to such a place, they shall receive such a reward, and no questions shall be asked them. And where is the harm of all this ? I neither see the thief, nor receive the goods.”

This was his account of the matter and they could get no other.

We shall now give some particulars of his management :—a lady went in her chair to pay a visit in Piccadilly. The chairmen left the chair at the door, and waited for her return at a neighbouring ale-house, and while they were drinking, the chair, with the velvet seat and furniture were carried entirely off. The chairmen immediately applied to Wild, and after taking his usual fee of a crown, he told them, he would consider of it, and desired them to call in a day or two. They came accordingly ; Wild insisted upon a considerable reward, which they paid him, and then he bid them be sure to attend the prayers at Lincoln’s-inn chapel, the next morning. They went thither at the time appointed, were equally surprized and pleased to find their lady’s chair, under the piazzas of the chapel, with the seat and furniture in the same condition as when they lost it.

In the year 1716, Arnold Powel, a notorious house-breaker, was apprehended and committed to Newgate for attempting a burglary near Golden Square ; Jonathan understanding that he was pretty full of money, caused it to be intimated to him, that he expected him to come down, or ways and means would be found to have him hanged. Arnold, not believing it was in Wild’s power to hurt him, dared him to his worst,

and Wild, resolving to convince him of his mistake, exerted his utmost diligence to find out whom he had robbed. It was not long before he heard that Mr. Eastlick, a glass-grinder, at Fleet-ditch, had his house broken open by Powel. Wild applied to Mr. Eastlick, a prosecution was agreed on, and a bill was found for the burglary. This brought Powel to repentance, and so he struck up a peace with Jonathan, who had his own terms, and thereupon retracted his great zeal, and contrived an expedient for Powel's deliverance.

At the beginning of the sessions, Mr. Eastlick attended with his witnesses. But Wild persuaded them that the first and second day, the court would be taken up with other trials, and therefore they need not lose their time in waiting at the Sessions-house, but he would give them timely notice when Powel's trial came on. They depended upon this; but, in the mean time, Jonathan so managed the matter, that Powel was brought to the bar. The witnesses were called, but none appeared, and Wild, who was then in court, declared he knew not what was become of them. The prisoner was taken away again, and afterwards brought a second time, and so a third, but still no witnesses appeared; at last, the jury were charged with him, and, for want of evidence, he was acquitted, and the court ordered the prosecutor's recognizance to be estreated. But Mr. Eastlick hearing of this management, complained the next morning to the court; upon which Wild was severely reprimanded, and Powel standing charged with another burglary, was ordered to remain till next sessions, when he endeavoured to elude a trial by putting himself into a salivation; but that not availing him, he was tried, convicted, and hanged at Tyburn, March 20, 1716-17.

Wild had now left his lodgings at Mrs. Seagoe's and taken a house on the other side of the way, next to the Cooper's Arms.

Although Jonathan, to support his pretences of serving the public, as well as for other purposes, found it necessary now and then to hang up two or three of his people; yet this was not sufficient to conceal his other practices. His encouraging felons, and trading

in stolen goods, were by this time too well known to be longer suffered with impunity.

Accordingly, in the year 1718 (at the instigation and by the procurement of Sir William Thompson, the recorder,) an act was passed for the farther preventing robberies, felonies, and for the more effectual transportation of felons. By a clause in which it was made felony for any persons to take a reward under pretence of restoring stolen goods, except they prosecuted the felons who stole them.

This gave a check to Jonathan's business for a while ; but it was not long before he ventured to revive it again, though with more caution than before ; and by altering his measures, he thought still to evade the law.

When people had been two or three times with him, in quest of what they had lost, he would tell them that he had made enquiry after their goods, and received information that if such a sum of money was sent to such a place, the goods would be delivered to the person who carried it. This being agreed on, a porter was called, the money put into his hands, and directions given him to go and wait at the corner of the street ; when he came to the place appointed, or perhaps in his way thither, he was met by somebody who delivered him the goods upon his paying the money.

At other times the owners of the goods, as they were going home, were overtaken by a stranger, who put the goods into their hands, and at the same time a note, in which was written the sum of money they were to pay for them.

But in some hazardous cases he commonly put the people themselves upon taking the first step, by advertising what goods they had lost, and offering a reward to any one who would bring them to Jonathan Wild, who was thereby empowered to receive them without asking questions.

In the two former cases, he never saw the thief, nor received the goods, nor took the money ; and in the latter, the principal part was the act of the parties robbed, and he appeared merely as a friend in whose honour they could safely confide ; and in serving them this way, there was no necessity of sup-

posing him to be a confederate with the felons who had robbed them.

When they had got their goods, and desired to know what he must have for his trouble, he would tell them, with an air of indifference, they might do as they pleased, he demanded nothing ; he was glad it had been in his power to serve them ; what he had done was from a principle of doing good, and without any view of self-interest ; and if they thought proper to make him a present, it would be their own act, the pure effect of their generosity, and he should not take it as a reward but merely as a favour.

As he had sometimes customers from the other end of the town, to save them the trouble of coming so far as the Old Bailey, or, perhaps, for some other reason, he took an office in Newtoner's Lane, and placed his man Abraham in it ; but, in a quarter of a year, Mr. Wild's business grew so brisk that he was obliged to send for his man home again to assist him.—Abraham had the character of a very faithful and industrious servant to his master, and was entrusted with affairs of the greatest importance, and not undeservedly ; as may be seen in the following instance.

Jonathan had been so much fatigued in the late hurry of business that his health was much impaired, and it was thought necessary to take the benefit of the air. Accordingly, leaving Abraham to supply his place, he took lodgings at Dulwich. While he was there, a gentlewoman, in going to the South Sea House, had her pockets picked of bank notes to the value of 7000l. As soon as she missed them she went to Jonathan's house, and applied to his man. He desired her to give him the particulars of the notes, and the best description she could of the persons who were near her a little before or after she missed them. This being done he promised to make a diligent inquiry, and so he did to some purpose ; for, in a few days, three pickpockets were taken with all the notes upon them, and carried down to Jonathan, who thought fit to discharge them upon delivering up all their effects. The notes were returned to the owners, but Jonathan got 400l. by the bargain.

These three were afterwards transported for other offences. One of them had spoke to a bank note

for 1000l. which he carried with him to Maryland, where he bought his liberty, and then went to New York, and set up for a gentleman.

Jonathan's business being now greatly increased he found it necessary to take a larger house, and accordingly removed to a more convenient habitation, at the King's Head, in the Old Bailey.

'Tis said that Jonathan, resolving to carry on a trade with Holland and Flanders, purchased a sloop, and put in the famous Roger Johnson to command her ; that he carried over gold watches, rings, snuff-boxes, and other plate, and sometimes perhaps bank notes, which had been *spoken* with by the way of the mail. His chief trading port was Ostend, from whence he travelled up to Bruges, Ghent, Brussels, and other considerable towns, where he disposed of his effects, and took in a lading of Hollands and other goods ; returned to England, and usually brought his cargo to land in the night, without giving the least trouble to the officers of the Custom-House.

This business was carried on pretty successfully for about two years, when by some mismanagement two pieces of Holland were lost, and Johnson stopped the value of them out of the mate's wages. The man was so provoked at this, that he went immediately and gave information of Johnson's running a vast quantity of goods ; whereupon the vessel was exchequered, and Johnson was cast in 700l. damages, which put an end to his trading to Holland.

There had long been great animosity betwixt Johnson and Tom Edwards, who kept the Case in Long Lane. One evening, as he was coming out of the Black Lion alehouse, in the Strand, which was then kept by one Butler, (the brother to Tom Butler, who received his pardon in order to be an evidence against Wild,) he met with Johnson and seized him, and charging him with felony, carried him to a tavern. Johnson sent for one of Wild's men, who came with a constable and a warrant against Edwards, and carried him before a justice, who committed him to the Compter for a highway robbery.

Some time afterwards Edwards, being again at liberty and having received intelligence of a large

quantity of valuable stolen goods, lodged in one of Jonathan's private warehouses, got a warrant and seized them. Jonathan was so provoked at this, though he did not think it proper to claim the goods as his own, yet he took out an action in the name of Johnson, to whom he said the goods belonged, arrested Edwards, and threw him into the Marshalsea, where he lay one night, but the next day gave bail for his appearance.

Edwards vowed revenge. He got several informations against Johnson, and only wanted to find where he was. After a long search to no purpose, he accidentally met with him on the Stratford road, seized him, and, sending for a constable, carried him to an ale-house hard by. Johnson sent a messenger to inform Wild of what had happened. Wild and his man, Quilt Arnold, went down directly to Johnson ; a quarrel arose, and Johnson made his escape.

An information was made against Wild for his management in this affair, of which being informed, he absconded for three weeks : and then, imagining the danger was over, ventured to appear again in public ; but he found himself mistaken ; for the high constable of Holborn, hearing that he was returned to his own house, went thither with two assistants and apprehended him and his man Quilt Arnold. They were carried before a magistrate and committed to Newgate. Of the proceedings against Wild from this time till his conviction we have already given an account.

The Ordinary's account of him is as follows.—After his conviction, he affirmed, he had fasted upwards of four days, which, together with his lameness and indisposition, had rendered him unable to attend the service of God in the chapel. He endeavoured to convince people, that at Wolverhampton he knew several persons that would have proved his friends, had he thought his case dangerous, and timely applied to them ; but as he carried on the same practice above a dozen years, and was now growing old, he could not be made to believe he should suffer at last, for what he had publickly done unpunished so long. But he was then told by a gentleman, that he had long artfully evaded the law, and escaped justice ; which justice

had some time since overtaken one Thompson, who was executed for carrying on such practices but a very short time. That he ought to have taken warning when he was first committed prisoner to the Compter, where he should have observed the misery of vicious people, instead of learning their ways, and endeavouring to understand them and their practices, and afterwards associating with them. He replied, that his business was doing good in recovering lost goods; that as he had regained things of great value for dukes, earls, and lords, he thought he deserved well.—That he had apprehended the greatest and most pernicious robbers the nation was ever molested with, and had wounds and scars still remaining in his head, body, and legs. He appeared to be very much disordered in his thoughts, which he said was owing to these wounds, and in particular to two fractures in his skull, which disordered his brain, though covered with silver plates. He never went to chapel during the whole time he continued under sentence of death, saying he was lame, and unable to support himself on his legs, and much less able to go up so far. Another reason he added was, that certain enemies of his among the crowd would not only interrupt his prayers by pointing, whispering, &c. but would, he believed, insult him, and if they dared, would raise a tumult;—therefore, as he knew that to pray to God without attention or regard, was worse than wholly to omit prayers; and as he could not attend his duty amidst so vast a crowd as attended at the chapel, he earnestly desired he might not be carried thither, and accordingly was not. He kept the other malefactors in order and regularity,—no interruptions happening either at prayers, or when the word of God was reading. The day before he died he desired he might receive the sacrament, at which time he enquired the meaning of those words, cursed is every one that hangeth on a tree. Also, concerning the disposition of the soul when first separated from the body, and the local situation of the other world, and other questions of such a nature: but he was answered, they were matters of less moment and importance than other things he might employ his time about; he was

advised rather to repent of his sins, to read and study Christ's passion, merits, and atonement, and the infinite justice as well as the unlimited mercy of Almighty God. He appeared very attentive to the prayers, as well while he had some expectations of a reprieve, as after he found that all expectations were vain.

The evening before he suffered, he enquired how the noble Greeks and famous Romans, who slew themselves, came to be so glorious in history, if self murder is a crime? he was desired to remember, that the wisest heathens considered it cowardice for a man not to sustain the ills which Providence had inflicted upon him, and that christianity is much more express against suicide. He confessed that self-murder was impiety, but his confession appeared to be hypocrisy; for, about two o'clock in the morning, he endeavoured to prevent his execution by drinking laudanum; but the largeness of the draught, together with his having fasted before, instead of destroying him immediately, was the cause of his not dying by it.

At the place of execution, Wild, who had been till then half delirious by poison, began to recover, and united with the other criminals in the public prayers, as well as the tumult and clamour on the occasion would give them leave.

Thus far the Ordinary; to which we shall add a few more particulars.

After taking the liquid laudanum, he grew so drowsy that he could not hold up his head, nor keep open his eyes at prayers. Two of his fellow-prisoners, perceiving his disorder, endeavoured to rouse him. They took him by the arms, and persuaded him to stand up and walk a little, which (as he was lame of the gout) he could not do without their assistance. This motion awakened him a little, and then his countenance turned very pale, he sweated violently, and grew exceedingly sick; soon after he vomited till he had thrown up the greater part of the laudanum. After this he recovered a little, but still was very drowsy, and almost insensible of what he said or did, and in this condition he was put into the cart, and conveyed to Tyburn.

It is not easy to express with what roughness he was treated by the mob, not only as he went to the tree, but even when he was at it. Instead of those signs of pity which they generally shew when common criminals are going to execution, they reviled and cursed him, and pelted him with dirt and stones continually. By the time he came to the end of his journey, he was considerably recovered from the disorder the laudanum had thrown him into. The other malefactors being ready to be turned off, and the executioner telling Jonathan he might take any reasonable time to prepare himself, he continued sitting in the cart for a little while ; but the mob grew so outrageous at this indulgence, that they called out incessantly to the hangman to do his office, and threatened to knock him on the head if he did not immediately perform it. He found delays were dangerous, and therefore no longer deferred giving the populace the satisfaction they demanded. Thus ended the life of Jonathan Wild, May 24, 1725.

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### BURNWORTH, BLEWIT, &c.

Burnworth, Blewit, Dickenson, Berry, Legee, and Higgs, were committed to Newgate for the murder of Thomas Ball, in the Mint, Southwark.

On Wednesday, March 30, 1726, a habeas corpus being brought for removing them to Kingston, they were all put into a waggon, hand-cuffed and fettered, to be carried down thither, under a guard of the duke of Bolton's horse. As they past along the road, they behaved in the most audacious manner imaginable ; rattling their irons, laughing, singing, swearing, and huzzaing. About noon they came to Kingston, and were all put into the Stock-house. The judges arrived the same day, when the commission for holding the assizes was opened and read.

The next day a bill was found against the prisoners, and on the day following, being the 1st of April, they were brought to the bar and arraigned, five of them pleaded, Not Guilty ; but Burnworth refusing to

plead, till a watch, a hat, a wig, and other things, which were taken from him by the persons who apprehended him, were restored, his thumbs were tied, as usual in such cases ; but he continuing obstinate, the court passed sentence that he should be pressed to death, and being carried to the block-house for that purpose, the court proceeded to the trials of the others.

William Blewit, Emanuel Dickenson, Thomas Berry, John Legee, and John Higgs, together with Edward Burnworth, alias Frazier, (not then in court,) were indicted for the murder of Thomas Ball ; Blewit and Burnworth, by giving him, with a leaden bullet, discharged from a pistol, one mortal wound, on the 24th of January last, of which he instantly died ; and the others for aiding, abetting, comforting, and maintaining the said Blewit and Burnworth, in committing the said murder.

*William Marjoram, alias Haggady,* deposed thus :— On the 24th of January last, I and Burnworth, Legee, and Higgs, met at an ale-house in White-horse alley, in Chick-lane, from whence we went into the fields, where having four or five pistols about us, we discharged them several times, to try whether they were in order or not. Then we proceeded to Copenhagen-house, where we met with Dickenson, Blewit, Berry, and one Wilson. We shook hands, and joined company, Burnworth went to casting bullets in a mould, at which he was very expert, and distributed what he made among us. Then we cleaned our pistols, of which we had eight or ten amongst us all. From Copenhagen-house, we went to Blackmary's-hole, where we spent about seven shillings in beer, brandy, and Geneva, and then went towards Chick-lane again ; but, being met in Turnmill-street by Captain Walker, keeper of New-prison, (from whence Burnworth had made his escape,) and he calling to Burnworth in order to have some talk with him, they came to high words ; but Burnworth clapping his hands to his pockets, as if he intended to draw his pistols, the captain left him. But a mob being gathered, and we understanding the high constable had got some intelligence of us, we all made our way through White-horse alley, swearing we would shoot the first man that

followed us. We proceeded thus to Black-Friars-stairs, where we took water, and being landed, went to the Gun music-house in St. George's Fields, where we danced with three women, till about five in the evening. Then we went into the fields ; and it being quite dark, Burnworth proposed to go to Mr. Ball's house and kill him, and asked us if we would agree to it. We all consented, but Higgs left us as we were going along. The rest of us went, and when we came into Mr. Ball's house, his wife was sitting by the fire. We asked her where her husband was ? she said, he was not at home ; but he unfortunately came to the door at the same time. Burnworth presently took him by the collar, and forcibly brought him into the house, and set him in a chair by the fire-side. His wife suspected some mischief was going forwards, and endeavoured to get into the street ; but Legee, clapping a pistol to her breast, swore he would shoot her if she offered to stir. Then Burnworth said to Ball, how could you be such a rogue as to seek my life, by endeavouring to apprehend me last Saturday night?— But I'll prevent any such mischief for the future ; and with that, he took a pistol out of his waistcoat pocket, and lifting up Ball's arm, he shot him near the left pap, of which wound he presently died. The noise drew a crowd of people about the house, and several of them attempted to come in ; but Berry, having a pistol in his hand, swore he would shoot the first that entered. Then we all went out of the house, and, the crowd still continuing, Blewit fired a pistol over their heads, which dispersed them. From thence we came to the Faulcon-stairs, where meeting with Higgs, he went with us to Pig-stairs. When we came to Fleet-street, the company parted ; and Higgs and I went together.

*Ann Ball, widow of the deceased.* On the 24th of January last, in the evening, as I was sitting by the fire-side, the prisoners and others came in two by two, to the number of seven or eight ; Burnworth enquired for my husband ; I said he was not within, but was hard by, and I would call him. I was afraid they had some villainous design, and therefore was going out to give my husband notice of what com-

pany there was in our house, that he might not come home ; but some of them cried out, stop her. Just at that instant my husband unhappily entered the door ; upon which they violently dragged him into the house, forced him to sit down in a chair, drew down the sash of the window, and bolted the street door. My husband then said to Blewit, I hope you design no harm, for I never intended to do you any. No, says Blewit, and we'll take care that you never shall. Upon which Burnworth stept up to my husband, lifted up his arm, and clapt a pistol to his breast. I was extremely frightened, and ran out at the back-door ; but before I could get to a neighbour's house, I heard the pistol go off. Then one of the prisoners came to the street-door, discharged another pistol, and said, now follow us who dare. And so they went away.

*Richard Ball*, the deceased's brother, deposed thus :—I and my brother were drinking at an ale-house hard by his house ; and, he being sent for home, I desired him not to stay. He said, he would only cut a pork steak for supper, and return immediately. But, finding he staid longer than ordinary, I grew impatient, and resolved to know the reason of it, and therefore (having an oak stick in my hand,) I went to see after him. When I came to the house, looking over the settle that stands in the drinking-room, I saw Blewit and Burnworth there, and the house in confusion. Meeting with some insults from Blewit, I made an offer at him with my stick ; upon which a pistol was discharged, but I cannot say by whom.

A woman deposed, that she saw Higgs with a pistol in his hand, in and about Mr. Ball's house, at the time he was murdered, she being then present in the room, upon which the court asked Marjoram, if he saw this woman in the house ? he replied, yes. The court then asked him if he could swear that Higgs was not present when the murder was committed, as he had before said he refused to go with them ? Majoram answered, he could not swear that.

*Captain Walker*, keeper of New-prison. I met the prisoners in Turnmill-street, as Marjoram has sworn, and I designed to have followed them, in order to ap-

prehend Blewit and Burnworth ; but a gentleman telling me that they threatened to shoot the first man that came after them, I declined going.

A waterman deposed, that on the 24th of January, he carried eight men in his boat, from Black-friars to Paris-garden ; that several of the prisoners were of that company, for he remembered most of their faces.

*Mrs. Jones.* I keep Copenhagen house. On the 24th of January last, the prisoners, and some others, met at my house, where they made bullets, and cleaned their pistols. I was uneasy at it, and wanted them to be gone, for I did not like their company : but they pretended they met there only to shoot birds.

*Mr. Allen* deposed, the night Mr. Ball was murdered, he happened to be in a night-cellar at Charing-cross, when Blewit, Burnworth, and Dickenson came in there, and he heard Burnworth say to them, Han't I tipped it Tom Ball ?

The prisoner Berry. Here is a letter that I had from Marjoram. In this letter he owns he cannot swear that I was any ways concerned in the murder.

Berry's mother and sister deposed, that Marjoram said the same thing to them.

Upon which the court asked Marjoram what he had to say to that ? He answered, my lord, I own that Mrs. Berry gave me half a guinea not to swear that her son was in the room, and I promised that I would not swear it : But I will swear and insist upon it, that he was in the entry, about the door, and very active.

The other prisoners denied the fact, but offered nothing material in their defence, and the jury found them all guilty. *Death.*

Edward Burnworth being put under the press, continued an hour and three minutes with a weight of three hundred, three quarters, and two pounds upon him, and then he prayed that he might be brought to the bar again, which being granted, he was arraigned, and pleaded, not guilty. The evidence against him was the same in effect as against his comrades. The jury found him guilty, and he received sentence of death with the other prisoners.

The account given of these malefactors is as follows : Edward Burnworth, Alias Frazier, was about twenty

three years of age. His father, who was a painter, put him apprentice to a buckle maker in Grub-street ; but neglecting his master's business, he spent a great deal of his time at cudgel-playing and wrestling at the ring, in Moor-fields, which was kept by one Frazier. Ned, distinguishing himself at these exercises, acquired the name of Young Frazier, which he was not a little proud of. From the ring, he frequently went to the music and gaming houses, where he soon got acquainted with a gang of pick-pockets, house-breakers, and street-robbers, of whom the chief were Jack Allen, Peter Levee, Blewit, Dickenson, Berry, Legee, Higgs, Marjoram, Jack Wilson, Jack Barton, and Kit Leonard.

In July, 1723, he was convicted of stealing two turkeys, and some table linen, for which he was whipped.

In December, 1723, with Levee and Allen, he robbed Mr. Wasey, in Lincoln's Inn Fields, and several other persons. Allen and Levee were taken, and the last made an evidence. Burnworth escaped, but was taken about a year afterwards, and was carried before a justice in Clerkenwell, who sent him to New-prison. He made his escape from thence, and, to be revenged on the justice, who committed him, he, with Jack Barton (the day before Mr. Ball was murdered) broke into the justice's house, and stole goods of considerable value, which they carried into Islington fields, where they divided their booty, which at first they thought was much greater than it proved to be ; for on examining a parcel which they took to be plate, they found it was only brass silvered over. Burnworth would have thrown it away directly, but Barton would not agree to it, upon which they tossed up who should have it, and it falling to Burnworth, he threw it into the New River. Soon after this, they met with Dickenson, Berry, Blewit, Higgs, Legee, Wilson, and Marjoram.

Barton staid at Islington, and the others went over the water into St. George's Fields, where Burnworth told them, that Tom Ball had lately attempted to take him, and had taken Kit Leonard not long before ;

and therefore, says he, let's shoot the dog, or we shall have him set up a new thief taker.

After Burnworth, assisted by the others, had murdered Ball, they all crossed the water, and went to the Boar's Head tavern in Smithfield, that being a house where none of them were known. They staid there till ten at night, and then went into Fleet-street, where they separated and took different walks to pick pockets, and rob in the streets.

The noise the murder had occasioned, obliged them to keep close in the day, but a night did not pass in which the most outrageous villanies were not committed by some or other of them, especially by Burnworth. However, it was not long before five of the gang began to think of taking measures for their own security. Blewit, Berry, and Dickenson went to Harwich, and from thence passed in the packet-boat to Helvoetsluyys.

Higgs shipped himself on board the Monmouth at Spithead, but was soon after taken : for his brother in town having written a letter to him, gave it to a sailor to carry with him to Spithead. He accidentally coming into company with one Arthur, a watchman, belonging to St. Sepulchre's parish, who happening to see the letter, and knowing that Higgs was one of the gang, went and acquainted Mr. De la Fay with it. Whereupon two messengers were sent to Spithead, who brought Higgs up to London.

Wilson absconded, and could not be heard of.

But Burnworth, Legee, and Marjoram still ventured to continue about town, and joining with one Gillingham and other villains, committed several robberies. They even attacked the Earl of Harborough, as he was passing in his chair along Piccadilly. The chairmen drew their poles, and knocked one of the rogues down : Gillingham fired, and shot one of the chairmen in the shoulder ; but the Earl himself stepping out of his chair, and drawing his sword, the rogues thought fit to retire.

A proclamation being published, and a large reward offered for apprehending Burnworth and his companions for the murder of Thomas Ball, a gentleman bought it, and going to an ale-house, in Whitecross-

street, he there read it publickly. Marjoram happened to be drinking there at the same time, though he was unknown to any of the company; and, not doubting but the reward and hopes of a pardon would be a temptation for some of the gang to turn false brethren, and betray the rest, he thought it better to take such a course himself, than to let another do it. And, therefore, going the same evening to a constable, he surrendered himself, and was that night confined in Wood-street Compter.

The news of his surrendering was quickly spread over the town, and several of his old comrades forsook their lodgings to secure themselves elsewhere. But Barton thought of another method of providing for his own safety; for next morning he planted himself in an alley not far from Goldsmiths' Hall, knowing that Marjoram must come that way to go before the lord mayor to be examined. Marjoram accordingly coming along with the constable, and others to attend him, Barton stepped out with a pistol in his hand, and cried, I'll shoot ye; and immediately fired; but Marjoram luckily popping down his head, the ball only just grazed upon his back, without doing any further hurt. This audacious action of Barton's was so sudden, that before the people could recover their surprize, he made his escape.

Marjoram being examined before the lord mayor, made a large information against his accomplices, but none of them were then to be found, except Legee, who was taken at a house in Whitecross-street.

None of those concerned in the murder of Ball were now at liberty in London, except Burnworth, who was too fool-hardy to abscond, though he knew of the proclamation, and that 300l. was offered for taking him.

Having heard that Quilt Arnold (Jonathan Wild's late foreman) had been in quest of him, he ventured one night to an ale-house in the Old Bailey, which Arnold frequented, and, understanding that he was then alone in a back room, he took a loaded pistol in his hand, and pushing open the door: What business have you with me? said he; do you think to set up the trade of thief-taking upon your own account, now your

old master is hanged ? ye dog ! It would be but tipping you justice to blow your brains out. Then filling a glass with brandy, and putting some gunpowder into it : Now, down of your knees, he added, drink this, and wish it may be your eternal damnation, if ever you offer to molest me, or any of my acquaintance. Arnold was forced to comply, and then Burnworth knocked him down, and went off clear.

One morning after this, he went to an ale-house in Holborn, where he was well known, and sitting down at the door with a pistol in his hand, called for a pint of beer, drank it off, and then, daring any body to follow him, he walked away.

Thomas Burnworth had murdered Ball partly on account of his having apprehended Kit Leonard, yet Leonard, who was then in Surrey gaol, contrived a scheme for taking Burnworth, which was managed in this manner.

Burnworth lodged with Leonard's wife and sister ; Leonard let his wife Kate into the secret, and ordered her to acquaint some justice of the peace with it. She did so. The design was approved of, and a sufficient force appointed to seize the criminal.

Accordingly, on Shrove-Tuesday in the evening, several men well armed were planted at an alehouse adjoining to the house where Kate lived. About six o'clock Burnworth, Kate, and her sister, being together, Kate proposed to fry some pancakes for supper, which Burnworth approved of, (it being too early for him to go out upon his villanies,) and pulled off his great coat, in which he had several pistols. There was a back door which he usually kept upon the latch, in order to make his escape in case he should happen to be surprised ; but Kate had taken care to bolt it unknown to him, and then, while her sister was frying the pancakes, she went to the alehouse for a pot of beer, and giving a signal to the men who waited there for that purpose, she returned and pretended to lock the door, but designedly missed the staple. In a few minutes six men rushed into the room : Burnworth started and ran to the back door, but before he could open it they seized him. He was carried to Newgate, and put into the condemned hole, where he continued till Satur-

day night, the 15th of March, when he and the condemned prisoners who were confined in the same place, attempted, with an iron crow which they had procured, to break through the wall of the gaol, in which they made considerable progress, but were discovered before they had finished the work.

As this was thought to be Burnworth's project, he was removed into another apartment, called the Bilbo-room, and loaded with more irons; but by some means or other he procured saws and files, with which he freed himself from his fetters, broke through the wall into the women's apartment, and went to work upon the iron bars of the window, and had cut one of them asunder, when the keeper, having notice of it, came and stopt his progress, and carried him once more to the condemned hole, where he was stapled down, and where we shall leave him till we bring some of his acquaintance to bear him company.

William Blewit was born in Cripplegate parish, where his father was a porter, and his mother kept an herb-stall. Will was put apprentice by the parish to a perfumer of gloves, but being a loose idle fellow, and much addicted to gaming, he soon fell into ill company, and turned his hand to picking pockets. He was commonly well dressed, and made a genteel appearance, which often prevented his being suspected. But those who had seen him once might easily know him again; for he was remarkable by one of his lips, which was something like an hare-lip, but not so much as to make him appear disagreeable.

In April, 1722, he was convicted of privately stealing a handkerchief from John Higgs, on the 4th of March, as he was coming out of St. Andrew's Church, Holborn, and ordered to be transported. He was accordingly shipped off with many of the same profession. When they came out to sea they contrived a plot for seizing upon the ship's crew; but Blewit, being let into the secret, he was in hopes of obtaining his liberty at the expense of his companions, and therefore discovered the design to the captain, who thereupon took care to prevent the intended mischief, and set Blewit ashore at Nevis, as a reward for the service

he had done. Blewit soon returned to his own country, and not long after his arrival was apprehended.

In January, 1722-3, he was tried for returning from transportation. He did not deny the fact, but pleaded in excuse that he had been very serviceable in the voyage; for being allowed his liberty on board to take care of the other felons, and they having raised a mutiny, with a design to murder the captain and the ship's crew, he had prevented the murder and saved the cargo by a timely discovery. To prove this he called the owner, Jonathan Forward, who deposed, that the prisoner was appointed to have his liberty on board, in order to assist in the management of the other convicts; but as to his preventing the loss of the ship's crew and cargo, he knew not how true that was, because the ship was not yet returned. Blewit was found guilty, and received sentence of death. But his execution was respite till the return of the captain, when the fact appearing as Blewit had alleged, he obtained mercy on condition of transporting himself again. But instead of observing this condition he returned to his old courses of picking pockets, and snatching hats, wigs, and swords in the street, and in a little time joined himself with Burnworth's gang.

After the murder of Mr. Ball, Blewit fled to Holland, with Dickenson and Berry; but by the care and vigilance of Mr. Pinch, the British resident at the Hague, Blewit was apprehended at the Hamburg arms, at the Boomkeys, in Rotterdam, and Dickenson and Berry on board a ship at the Brill.

When they arrived at the Nore they were met by two messengers, who assisted in taking charge of them up the river. In their passage they affected to be merry, singing, swearing, and recounting their old villanies. Meeting with a press gang on the river they abused the lieutenant, and dared him to press them into the King's service.

When they arrived at the Tower they were put into a boat, and attended by three other boats, with a file of musqueteers in each. Thus they were conducted to Westminster, where they were examined before the Justices Chalk and Blackerby, and then put into a coach, guarded by a party of foot soldiers, and con-

veyed to Newgate, from whence, with their companions, they were afterwards carried to Kingston, where they were tried and condemned, as we have seen.

After sentence, which was passed upon them on the 5th of April, they appeared as unconcerned as before. Burnworth diverted himself with drawing pictures of his adventures, and the others in telling stories of their pranks. They had entertained great hopes of making their escape, for which purpose they had already procured several small files, which they concealed in the waistbands of their breeches. Blewit's brother coming to see him, was overheard to say he had forgot the opium, which gave the keepers a suspicion, and Burnworth's mother coming soon after, they searched her, and found several pistols and saws upon her, whereupon she was committed to the Stock-house. Then the prisoners were all searched, and, besides other implements, a large clasp knife was found upon one of them. It appeared upon examination that their design was to give the persons who guarded them opium in their wine or beer, and to have murdered them at midnight, while they were asleep; after which they intended to file off their own irons, cut the bars of the window, and, as soon as they got out to set fire to a great stack of bavins behind the prison, and to two or three other places in the town, and so by putting the inhabitants into the utmost consternation, they themselves in the mean time might have the better opportunity of escaping.

The discovery of this design had no great effect upon them. They appeared as unconcerned and impenitent as ever, especially Burnworth, who told one of the guards that if he did not take care to see his body decently buried after execution, he would meet him in a dark entry and pull his nose off. But on the Wednesday morning, appointed for their execution, they began to be a little mindful of their approaching fate, and applied to their devotions with some seriousness.

About ten o'clock they were all six brought out of the Stock-house, and put into one cart, attended by a company of foot soldiers to Kingston gallows. In their way thither Blewit happened to see one Mr. Warwick among the crowd, and desired to speak with

him : Mr. Warwick coming up to the cart, Blewit fell on his knees, and said, " I must ask your pardon for having once made an attempt on your life by presenting a pistol at you, which I did upon a suspicion that you knew some things that I had been guilty of, and had given information against me." Mr. Warwick readily forgave him.

When they arrived at the place of execution, Blewit confessed he had practised thieving for about sixteen years, and that his first act was stealing a silver spoon in the Old Bailey. He desired that no reflections might be cast upon his mother, for she had often on her knees, and with tears in her eyes, begged him to leave his vicious courses. Then he named the penitential Psalm, set the tune, and repeated each line to his fellow criminals. He, Dickenson, and Berry, had provided coffins for themselves, not expecting to be hung in chains.

Dickenson said he had served as a foot soldier under his father, who, when living, was a lieutenant in the army. He confessed that he once fired a pistol at one Mr. Hunt, in St. George's Fields, but missed him. He desired the spectators to take warning by his sufferings and avoid ill company, which had brought him to that shameful end.

After this they all shook hands and kissed each other, and a short time being allowed for their private devotions, the cart drew away, and they were turned off, crying, Christ have mercy upon us.

Dickenson died very hard ; after they hung about two minutes, the agonies of death being strong upon him, he kicked off one of his shoes, and loosened the other.

Thus ended the lives of these extraordinary offenders ; Burnworth was about twenty-four years of age, Blewit twenty-six, Higgs nineteen, and Berry and Legee twenty-one each when they died.

## CATHERINE HAYS, THOMAS BILLINGS, AND THOMAS WOOD, *for Murder.*

ON Wednesday, March 2d, 1725-6, about break of day, one Robinson, a watchman, found a man's head (which appeared to be newly cut from the body,) and a bloody pail near it, in the dock before a certain lime wharf, near the Horse-ferry, Westminster. Surprised at this he called several in the neighbourhood to see it. The town was soon alarmed with the news. The head was carried to St. Margaret's Church-yard, and laid upon a tomb-stone, but it being much besmeared with blood and dirt, the churchwardens ordered it to be washed and the hair to be combed ; which being done it was set upon a post for public view, to the end some discovery might be made. Mr. Bird, the High Constable of Westminster, issued private orders to the petty Constables to guard all the avenues (within their liberty) leading to the Thames, and to search all carts and coaches that should pass towards the water-side ; it being thought that the body would be disposed of as the head had been. These orders were strictly observed for two or three nights, but without any success.

The head continued exposed for two or three days, a vast concourse of people went to see it, and various were the conjectures about it. Several fancied they had seen the face before, but could not recollect when or where ; indeed, William Bennet, the King's organ-maker's apprentice, and Samuel Patrick, thought it to be the head of one John Hays, with whom they had been well acquainted. Bennet went to Mrs. Hays, and told her that the head was so very like her husband's that he believed it to be his : she answered that it was impossible to be so ; for her husband was alive and well, and therefore he ought to have a care how he raised such a report, for he might bring himself into trouble. This reprimand made the lad think he was mistaken, and stopt him from saying any more of the matter till after the discovery.

Mr. Patrick went to the Dog and Dial, in Monmouth Street, where Mr. Hays was well known. He told

some company there that he had seen the head, and could not help thinking that it was the head of his friend Hays. They assured him he must be mistaken, because Thomas Billings, a tailor, who was one of Hays's lodgers, would have told them if Hays had been missing. Billings being present, said there could be nothing in it, for when he came from home in the morning, he left Mr. Hays in bed, and in good health. With this answer Mr. Patrick was satisfied.

On the 6th of March, the head was delivered to Mr. Westbrook, a surgeon, who put it into a large glass of spirits, and exposed it to the view of those who were desirous to see it.

About this time, Catherine Hays, Thomas Billings, and Mary Springate, who all lodged in the house of Mr. Weingard, a smith, in Tyburn Road, removed from thence to the house of Mr. Jones, a distiller, a little further in the same road.

On Monday, the 21st of March, Mr. Ashby, who was intimately acquainted with John Hays, called to see him. Catherine Hays appeared at times to hesitate, but at last told Mr. Ashby, that her husband had killed a man, by giving him an unlucky blow in a quarrel, and had thereupon absconded.

Mr. Ashby, very much dissatisfied with this account, went directly to Henry Longmore, who kept the Green Dragon ale-house, in King-street, and acquainted him with what he had heard. Mr. Longmore was nearly related to John Hays, and being surprised at the story, went himself in the evening to Catherine Hays, and, by what he observed from her discourse and behaviour, he thought there was great reason to suspect that her husband had been murdered, and that she at least was conscious of it. Full of these thoughts, he returned home, and next day called upon Mr. Ashby, and they both went to Mr. Westbrook's, and desired to see the head. They no sooner saw it, than they were satisfied it was the head of John Hays.

On Wednesday they applied to justice Lambert, and made oath of all that they had discovered. The justice not only granted them his warrant for apprehending Catherine Hays, but went himself with them and the

constable, to her lodgings, about nine o'clock the same night.

Finding her chamber door shut, they knocked. She asked, who was there? they answered, open the door, or we will break it open. She said she was in bed, and desired them to stay till she put her clothes on, which they did, and then she let them in. They presently seized her, and finding Thomas Billings sitting upon her bed without shoes or stockings, they took him too; and then going up into the garret, they apprehended Mary Springate.

These three were carried to justice Lambert's house, where he examined them apart, but neither of them would confess any thing. Catherine Hays was committed to Tothill Fields Bridewell, Billings to New-prison, and Springate to the Gate-house.

Catherine Hays expressing a great desire to see the head, the next day, as the officers were carrying her in a coach, to be examined a second time before the justice, they stopped at Mr. Westbrook's door, and, going in, the head was shewn her. She kissed the glass it was in, said it was her husband's head, and begged to have a lock of his hair; but Mr. Westbrook told her he was afraid she had too much of his blood. She fainted away; but being recovered was carried before the justice.

While she was under examination, Mr. Cross, a constable, came in with news, that a few hours before, Mr. Huddle, a gardener at Mary-le-bone, and his man, as they were walking in the fields, had discovered the limbs and trunk of a man's body, wrapped up in two blankets, and lying in a pond near the Farthing Pye-house. She, however, would confess nothing; but there being strong presumption of her guilt, she was that afternoon committed to Newgate.

The head was carried to Mary-le-bone, where, in the presence of several surgeons, it was found to correspond with the body.

On the 26th of March, Mr. Higgs, coroner for the county of Middlesex, summoned an inquest to enquire for the king, &c. when Mr. Longmore made the following information.

" This informant saith, that on Monday morning last, Mr. Joseph Ashby told this informant, that he heard Mr. Hays had killed a man ; upon which, the same evening, this informant went to Mrs. Hays's lodgings, where he found her, Thomas Billings, and a lad about sixteen years old ; and, asking how his cousin John did, Mrs. Hays said, I suppose you have heard of his misfortune ? upon which the lad laughed very much ; and, whenever this informant asked her any questions about Mr. Hays, the lad burst out a laughing to that degree, that this informant had a mind to have spoke to him, but was afraid Mrs. Hays should suspect his design : which lad this informant hath heard, was one William Bennet, apprentice to an organ-maker. The lad went away, and then Billings went for candles : when he was gone, Mrs. Hays told this informant, that her husband happened to strike an unlucky blow, and that the man was dead and buried, and that nobody knew of it but a boy, and that she went to the wife of the deceased, and made it up, by giving her a note for 15l. a year. And this informant further saith, that she then declared, that there had been two men to enquire for her husband, which she supposed came from the widow. That when Thomas Billings returned, this informant going away, she followed this informant to the window upon the stairs, and, stopping him, she said, he went away for the man he had killed, and was gone into Hertfordshire : and, asking when he went away, she said she had been in her present lodging about a week, and that he went away about a day or two before. Upon this Mary Springate went into Mrs. Hays's room, and Mrs. Hays said, this woman knows all the secrets, and called her upon the stairs, upon which Springate said, ' Ah ! poor unfortunate Mr. Hays ! ' and then she went up again. That Mrs. Hays asked, what she should do to get her sent out of the country ? and asked this informant, when he would come again ? which she desired might be in a day or two. The next day this informant went to Mr. Weingard's, where he heard Mrs. Hays had been gone from thence about a fortnight ; and, this informant going to her again that night, he asked her, if she had heard from her husband ? she said, no, he did not use to write to her. And this informant further saith, that, on Wednesday last, he went with Mr. Ashby for a warrant, and seized the said Mrs. Hays, who was in bed, and the said Thomas Billings in the same room, with his shoes and stockings off ; and she being carried before justice Lambert, and the said justice telling her, she was taken up on suspicion that the head of a man that was found, was her husband's ; and this informant telling her he believed it was his head, she said it could not be so, for her husband went into the country for killing a man. And, being asked, where he killed the man ; she said she could not tell, nor where the man lived that was killed. She being then asked, what day he went away, and what money he took ? she said, 25 guineas, eight new shillings, and eighteen sixpences ; and that she sewed the guineas in his clothes ; and that he took with him four pocket pistols. And this informant further saith, that he, the next day, went with her to see the head, and she said it is my dear husband's head ! that is my dear husband's hair !

On the Sunday morning following, one Thomas Wood, who was likewise suspected of being concerned in the murder of Mr. Hays, came on horseback from Greenford, in Middlesex, to Mr. Weingard's, (where Catherine Hays lodged when he went out of town) and enquired for her. He was told, she was removed to Mr. Jones's, a little farther in the street. He went to the house and asked for her. The people there, knowing him to be suspected of the murder, said nothing of her having been apprehended; but told him she was at Mr. Longmore's in King Street. He went thither, and was immediately taken into custody, and carried before justice Lambert, who examined him, but he would confess nothing. The justice committed him to Tothill-fields Bridewell.

Hearing there what discoveries had been made, relating to the murder, he concluded it would be in vain to insist any longer on his innocence, and therefore resolved to make a full confession. This being intimated to Mr. Lambert, he came down in the evening, with two other justices, who urged him to confess, which he at last did.

*The Examination and Confession of Thomas Wood, taken before John Mohun, Oliver Lambert, and Thomas Salt, Esqrs.; three of his Majesty's justices of the Peace for the County of Middlesex, this 27th day of March, 1726.*

"Who confesseth and saith, that on Tuesday, being the first day of March, he had been drinking in several places, and that the last place was the Hog-in-the-Pound, and came about twelve o'clock at noon to Mr. Hays's lodgings, and, when he came home, was merry, as Mr. Hays told him; and Mr. Hays further said, that he, meaning himself, could drink a great deal of liquor; and said, I and another drank half a guinea a piece in wine, without being fuddled. That Thomas Billings, then in company, said, that if Mr. Hays would then drink half a guinea's worth of wine, and not be fuddled, he would pay for it; that Hays agreed, and they each put down half a guinea; and that Catherine Hays, Thomas Billings, and this Examinant, went out about four o'clock in the afternoon, on the day aforesaid, to Bond-street, and brought in with them, to Mr. Hays's lodgings, about six or seven bottles of wine, and found Mr. Hays by the fire side, in the fore-room, eating bread and cheese. That then the examinant went to the Angel and Crown and fetched a pot of twopenny, to drink while Mr. Hays drank the wine; that he staid about half an hour; and, when he returned, about half the wine was drank, and Mr. Hays began to be very merry, and danced about the

room, and said, he thought he should not have wine enough to make him fuddled; on which, Thomas Billings went out by himself, and fetched another bottle of wine; and when Hays had drank that, he began to reel about the room, and went and laid down on the bed in the back room: that Thomas Billings followed him into the said room; and there, with a hatchet, struck him on the back part of the head, which blow, he, this examinant, heard given, and went into the room, and found Mr. Hays dead; and that Mrs. Hays immediately followed this examinant, and said, we must take off his head, and make it away, or it will betray us; and that then Catherine Hays, Thomas Billings, and this examinant, with this examinant's pocket-knife, cut off Mr. Hays's head, about eight o'clock at night, on the day aforesaid, and then put it with the blood into a pail; and Thomas Billings and this examinant, carried the pail with the head in it, to the water side; and when they came there, Thomas Billings set down the pail, and this examinant took it up, and threw it into the Thames, and so both returned to Mrs. Hays's lodgings, and went to bed in the fore-room, in which room Mrs. Hays sat up all night.

" And this examinant further confesseth, and saith, that the next morning as soon as it was light, Catherine Hays, Thomas Billings, and this examinant, began to consult what they must do with the body: that Catherine Hays proposed to put it in a box which she had by her, and put it in a coach and carry it away, and throw it into the Thames; that they all endeavoured, but the box was not large enough to hold it; upon which Catherine Hays proposed to cut it in pieces, which she, Thomas Billings, and this examinant did, and put it into the box, where it remained till night, and then all agreed to carry it out by parcels; and that first, about nine o'clock at night, Thomas Billings, and this examinant, took the carease in a blanket, and carried it by turns to a sort of pond, or ditch, in Mary-le-bone Fields, and threw it in with the blanket; and then returned again to Mrs. Hays's lodgings, being eleven o'clock at night, where they put the limbs in a piece of a blanket, and by turns, carried them to the same place, and threw them into the pond, and returned again about twelve or one o'clock at night, and knocked at the door, and were let in by Mary Springate; that they went to bed in the fore-room, and that Catherine Hays was in the same room, and sometimes went and laid down upon their bed.

" And this examinant further confesseth, and saith, that on Thursday, being the third day of March, he went to Greenford, near Harrow, in Middlesex, and carried with him a white coat, and a pair of leather breeches, which were Mr. John Hays's, and are now at Mr. Bower's, at Greenford, aforesaid.

" And this examinant further confesseth, and saith, that on Saturday, being the 5th day of March, this examinant returned to Mrs. Hays's lodgings, for some linen of his own; that then Mrs. Hays gave him a pair of shoes, a waistcoat, a hat, and a pair of stockings, which this examinant knew to be her late husband's, and likewise gave him two shillings in money; that she told him the head was found at Westminster, but was not known; then he returned to Mr. Bower's aforesaid.

" And this examinant further saith, that Catherine Hays gave

him three shillings and sixpence, and promised to supply him with money whenever he wanted. And further saith, that the said Catherine Hays had many times before, and often on the first day of March, proposed to Thomas Billings and this examinant, the murderer of her husband: that Thomas Billings had agreed to murder him, and offered to give this examinant money to buy wine to make Mr. Hays drunk, that they might accomplish the murder.

"And this examinant further saith, that Mary Springate was no ways privy, or any ways consenting or assisting, to the aforesaid murder, or to the carrying away the body, or any thing relating to it.

*Capt. coram nobis, &c.*

"THOMAS WOOD."

The next day being Monday, being brought to see Catherine Hays in Newgate, she desired him to tell Billings, that it was in vain for him to deny the murder any longer; for they were all guilty, and must die for it. Billings hearing this, and that Wood had already confessed, immediately resolved to follow his example.

*The Examination and Confession of Thomas Billings, taken before Oliver Lambert, and Gideon Harvey, Esqs; two of his Majesty's Justices of the Peace for the County of Middlesex, on Tuesday, March 29, 1726.*

"Who saith, that Catherine Hays, Thomas Wood, and this examinant, about three weeks before the murder of Mr. John Hays, had consulted to murder the said Hays, but not in what manner to put it in execution: that on the first of March, he being in Mr. Hays's room, with Catherine Hays and Thomas Wood, discoursing about drinking, Mr. Hays told him he could drink a great deal of liquor and not be fuddled, to the value of half a guinea. That Catherine Hays, Thomas Wood, and this examinant, went for about six bottles of mountain wine. That going for the wine, they three consulted to murder the said John Hays, it being a proper time after he had drank the wine, being about four o'clock in the afternoon: that on their return they found Mr. John Hays eating bread and cheese: that Mr. Hays began to drink the wine: that Catherine Hays, Thomas Wood, and this examinant, did not drink above one glass each of the said wine: that Mr. Hays began to be very merry, and to dance about the room: that this examinant fetched another bottle of wine, which they all drank among them: that the said John Hays began to reel about the room, and went and laid down on the bed in the back room: that this examinant went into the said room, about a quarter of an hour after him, and there, with a hatchet, struck him on the back part of his head. That Thomas Wood took up the said hatchet, which this examinant had just laid down, and therewith gave Mr. Hays a blow or two: that the said Catherine Hays immediately followed into the said back room, where the said Thomas Wood cut off the head of the said John Hays with his

knife: the said Catherine Hays and this examinant were close by the bed, when the said head was cut off: that the said Catherine Hays held the pail while Thomas Wood put the head in; that the said pail had no cover to it. That this examinant, with Thomas Wood, took up the pail, with the head in it, which this examinant carried to Mill-bank; that Thomas Wood took up the pail and threw it into the Thames, with the head in it, and so returned to Mrs. Hays's lodgings, and went to bed in the fore-room, in which room Mrs. Hays continued all night.

" And this examinant saith, that on Wednesday morning, the second instant, this Examinant, Thomas Wood, and Catherine Hays, began to consult how to dispose of the body of the said John Hays: that the said Catherine Hays and Thomas Wood proposed to put it into a box which she had by her: that the said Thomas Wood cut it in pieces and put it into the said box where it remained until night. That this examinant went about noon to work: that Thomas Wood was to look out for a place to throw the body in against this examinant's return home at night; and that about nine o'clock at night, Catherine Hays gave Thomas Wood a blanket to carry off the body of her deceased husband; and then all agreed to carry it off in two parcels: that about nine o'clock at night Thomas Wood and this examinant carried away the body by turns, to a sort of ditch or pond in Mary-bone-Fields, and threw it in with the blanket, and then returned to Mrs. Hays's lodgings, and then took up the limbs in a piece of blanket, and by turns carried them to the said place, and threw them into the same place; and at their return were let in by Mary Springate.

" And this examinant further saith, that he remembers that Catherine Hays shewed to one or two men a bond which was owing to her husband, but he knows not the sum.

#### " THOMAS BILLINGS."

After this confession Billings and Wood were both the same day committed to Newgate.

On the 14th of April, 1726, the Coroner's Jury met again for a further inquiry; when Mr. Longmore made the following additional information.

" This informant further saith, that he was present when Catherine Hays was asked by the justice what liquor her husband drank the night he went away? she said, that Thomas Billings and Thomas Wood were with him, and they drank about two or three bottles; but neither of them named the day of his going away.

" And this informant further saith, that he was present on the 25th day of March last past, at the taking up of a board in the room of the said John Hays's lodgings, and found blood and sand under the said floor; and also saw several drops of blood sprinkled against the wall of the fore-room of the said John Hays's lodgings, and also upon the ceiling of the said fore-room, and on the wall, from some part of which the blood seems to have been lately scraped. And this informant further saith, that he was present when Thomas

Billings confessed before the Justices, that himself, Thomas Wood, and Catherine Hays, consulted to kill John Hays above three weeks before they did kill him; and that on the 1st day of March last past, in the afternoon, they all three went to fetch six bottles of mountain wine; and that, as they were going along, they all three agreed when he was drunk it would be the properest time to kill him; and that when he was drunk he went to lie down upon the bed in the back room, and he followed him the said John Hays, and gave him his death's blow on the head, with a hatchet; and that Wood gave him a blow or two more on the head with the same hatchet; and Mrs. Hays immediately coming into the room, Wood cut off the head, he, the said Thomas Billings, and Mrs. Hays, standing by holding the pail.

Charles Higgs, Coroner.

“ HENRY LONGMORE.”

The Coroner's inquest, after examining several witnesses, brought in their verdict, *Wilful Murder*, against Catherine Hays, Thomas Wood, and Thomas Billings; and on Friday, the 22d of April, they were brought to their trial at the Old Bailey, before the lord chief justice Raymond, and Mr. Baron Price. The court was never known to be so crowded before; several persons of quality being upon the bench with the judge; and a guinea a piece was offered by several for admittance.

*Thomas Billings* and *Thomas Wood, of St. Mary-le-bone*, were indicted for the murder of John Hays, Billings, by beating, striking, and bruising him on the hinder part of the head with a hatchet, and thereby giving him one mortal wound, of which he instantly died, on the 1st day of March, 1725-6; and Wood by being present, aiding, abetting, and maintaining the said Billings in committing the said murder.

To this indictment they both pleaded guilty.  
*Death.*

*Catherine Hays* was indicted for petit treason, by being traitorously present, aiding, abetting, comforting; and maintaining the said Thomas Billings, in the murder of the said Hays, her husband.

The counsel for the king (who by his majesty's order carried on the prosecution) having opened the indictment, the charge, and the evidence, the witnesses against the prisoner were called and sworn.

*Richard Bromage.* After the prisoner, Catherine Hays, was committed to Newgate, I, Robert Wilkins,

and Leonard Myring, went to visit her there. I am sorry Mrs. Hays, said I, to see you here upon such a sad occasion as the murder of your husband. And so am I too said she. But what in God's name, said I, could put it into your head to commit so barbarous a murder? Why, said she, the devil put it into my head; but however, John Hays was none of the best of husbands, for I have been three parts starved ever since we were married together. I don't in the least repent of any thing I have done, except drawing these two poor men into this misfortune. I was six weeks in importuning them to do it; they two or three times refused to be concerned in it; but at last I over persuaded them. My husband was made so drunk, that he fell out of the chair, and then they carried him into the back-room and laid him upon the bed, and there Billings knocked him on the head with a hatchet, and Wood cut his throat. This was what they told me, for I was not in the room when he was killed; but as soon as he was dead, I went in and held the candle, while Wood cut his head quite off. But, said I, how came you to cut and mangle him in such an inhuman manner? she answered, because we wanted to get him into a box; we thought to have done it with only cutting off his legs at the knees; but still we could not get him in, and therefore we cut off his thighs and arms, though when we had done, the box was too little to hold all and shut close; and so the next night we put the body and limbs into two blankets, and Wood and Billings carried them away in the course of the night, and threw them into a pond. But, said I, what could induce the men to be guilty of all this; was it the money? No, said she, there was nothing of that in the case, but the devil was in us all, and we all got drunk. And what, said I, can you say for yourself, when you come before the court? she replied, It will signify nothing to make a long preamble; I'll hold up my hand and confess myself guilty, for nothing can save me, and nobody can forgive me.

*Leonard Myring.* I went to see the prisoner in Newgate, the day after she was committed, but she confessed nothing at that time. I went again on the

Sunday evening, and then she said, I am glad you are come, for Thomas Wood, one of the men who committed the murder, was taken to day, and has confessed that it was done by him and Billings ; but I was not with them when they did it, for I was drunk, and sitting on a stool by the fire in the shop ; but I heard the blow given, and I heard somebody stamp. And why then, said I, did not you cry out for help ? she answered, Because I was afraid they would murder me too : and so, after they had killed him, they cut off his head, and carried it out in a pail, and when they came back, Billings sat down by me and cried, and would not lie in the room where the dead body was that night.— Another time she told me, that she was not upon the same floor, but in the shop below stairs when her husband was killed.—I went again with Richard Bromage and Robert Wilkins to visit her, and then she confessed that for some time past there had been a design to murder her husband ; but said, she did not know they would do it the night it was done. I asked her how they came to contrive so wicked a thing ? Why, says she, my husband came home drunk one night, and beat me, upon which Billings said, this fellow deserves to be killed. Aye, said Wood, and so he does, and I would be his butcher for a penny : and I told them, as to that, they might do as they thought fit. But pray Mrs. Hays, said I, why did you never acquaint your husband with their design ? because, said she, I was afraid he'd beat me.

*Robert Wilkins* confirmed the evidence of Richard Bromage.

*Joseph Mercer.* On the Monday after the prisoner was committed, I went to see her in Newgate. Mr. Mercer, said she, you are Tom Billings's friend as well as mine, and therefore I desire you will go and tell him, it will be in vain for him to deny the murder any longer, for we are both equally guilty, and we must both die for it.

*Mary Springate.* I lodged up two pair of stairs in Mr. Weingard's house, where the murder was committed. On Tuesday, the 1st of March last, I was out all day at work, and came home between eight and nine at night. My husband told me, there had been

great merry-making, drinking, and dancing in the room below. I was tired and wanted to go to bed, but was willing to know if their liquor was almost out, that I might not be disturbed when I was going to sleep ; and so I went down and knocked at the door, and asked Mrs. Hays if they had done drinking. Aye, says she, I am just going to bed. And with that I said no more, but went up again, but it was not long before I heard the door open. I called out and asked her who it was went out ? O ! said she, it was my husband, he is gone into the country with a charge of money, and I am frightened out of my wits for fear he should be murdered. I wish to the lord he may come safe home again, but I never knew such an obstinate man in my life when he gets a little liquor in his head.—There is no such thing as persuading him to stay till morning.

I got up by five o'clock the next day, and went to my work. I returned about nine at night, and found the prisoner by the fire-side, with Wood and Billings, but without any candle. She said, she was very uneasy upon her husband's account, for fear some wicked rogue or other should knock him on the head for his money. I went up to my own room, but had not been long there before I heard something drawing along the floor, and the door open, and somebody go out. Upon which I went out and asked her what they were doing ? she said the men were going to fetch a bed home, so I went up again ; and when they came back she let them in, and I heard them say, they had not got money enough for the bed. By and bye, I heard another drawing along the floor, and the men went out again. And when they returned, I let them in myself, but they had not yet brought the bed. What, said she, was the landlord's mark upon it ? they answered, yes. Why then, said she, I am glad you did not bring it. I left them, and went up once more to my own room. In a little time I heard another bustling below, at which I began to grow very uneasy, and thought that something more than ordinary must be the matter ; and so I was going down again, but she met me at my own door, and said, she was come to smoke half a pipe with my husband.

While she staid, I heard the men going out again ; I stepped to the stair-head and looked down over the rails ; she followed me, and asked me why I was so uneasy ? To tell you the truth, said I, Mrs. Hays, I believe you are going to move your goods by night, and I think it is a shame you should do any such thing, when you have got money by you. No indeed, said she, it is no such thing. Then pray, said I, Mrs. Hays, tell me what is the matter ? Why nothing, said she, and therefore I beg you will make yourself easy. The next day, which was Thursday, I saw Wood go out with a bundle, and turn down Swallow-street. I asked her, what that bundle was, and she told me it was a suit of clothes that he had borrowed to go abroad in, last Sunday. The head that was thrown into the thames at Mill-bank, and the pail that it was carried in, were brought to me to the Gate-house to see if I knew them. I knew the head to be the head of Mr. Hays, and that the pail was his pail. Mr. Bowers let me see the coat.—And this coat, My Lord, was Mr. Hays's coat.

At the sight of the coat, the prisoner at the bar fainted away.

*Richard Bowers.* Wood lodged at my house at Greenford three weeks. When he first came, which was on Thursday the third of March, he brought this coat with him.

*Prisoner.* I own that, three or four days before my husband was killed, there was a design against his life; but I was not guilty of his blood. He and Billings had been playing at cards, and fell out about the game, and I bidding Billings tell the pips of the cards, my husband flew into a passion and beat me, which Billings very much resented, and from that time resolved to murder him ; but I had no hand in it ; for when it was done, I was in the next room, and therefore I am clear and innocent of the fact.

The jury found her Guilty. *Death.*

The Ordinary's account of these three criminals is as follows. In the time of delivering useful instructions, all of them appeared attentive ; but shewed no outward signs of repentance and sorrow for sin, requisite in every sincere christian, much more in such notable

and impious offenders.—Wood, if I mistake not, was most affected, but he appeared but two or three days in the chapel, for falling sick, he died in the condemned hole a few days before the sentence was put in execution. Billings, who actually murdered Mr. Hays, was a hard-hearted young fellow, and had few external signs of penitence. Mrs. Hays was too unconcerned, and, I fear, too often her mind was taken up with things altogether foreign to the purpose. The death warrant coming down on Friday, the 9th of May, Mrs. Hays, who before shewed but little concern, being assured she was to die on Monday, wept bitterly ; and the rest appeared more affected than usual.

Thomas Billings (as Mrs. Hays affirmed some days before their execution) was son to John Hays and Catherine Hays, and between 19 and 20 years of age. When he was a child he did not live with his father and mother, but with some of their relations in the country. He was put to school in his younger years, and taught to read in his mother tongue, and was instructed in the knowledge of the christian religion. I asked him if he knew what parents he was of? he said, he did not, but believed himself to be a bastard, and a near relation of Mrs. Hays's ; but which way he could not tell : that he was put to a tailor in Worcestershire, and that there was a shoemaker in that country, now dead, with whom he staid when he was young, who always passed for his father. I asked him what moved him to murder Mr Hays ? he said, he was cruel and barbarous in beating and abusing her, his wife, that he threatened to murder himself, and said, that some time or other he should kill her ; and that he was an avowed atheist, frequently blaspheming in a manner which ought not to be expressed, denying the immortality of the soul, and alleging, that men and women were in the same condition with the beasts that perish.

Upon such foolish pretences, Wood and he conceived a false notion, that it was no more sin to kill him than a wild bear I told him, that if he was such a wicked man as he represented him to have been, there was so much the less shadow of reason to

murder him suddenly and unexpectedly ; since it was more reasonable, upon that very account, to suffer him to live, that he might have time to think of the evil of his ways, and repent of his crying sin, God being always willing to receive into favour all penitent sinners, however notorious their guilt might be. All this he acknowledged, adding, that he had never done it had he not been sottishly intoxicated with liquor, so that he knew not what he was doing. He owned that there was no cause for so villainous a murder ; and that, whatever punishment was inflicted upon him, was infinitely less than what he deserved. He said, that no sooner was the thing done, but immediately his conscience was seized with such horrible guilt, that he would have given the world to have it undone, but that was impossible ; and that Mrs. Hays and he wept and mourned most bitterly all that night. He denied himself to have been upon the first contrivance of the murder, but that Mrs. Hays and Wood first consulted about it ; and, being overcome with drink, he was so left of God as to commit the murder.

Mrs. Hays denied that she ever advised Wood or him, to make away with him, or that she knew anything of it till the fact was done.

Wood, who, the second day after his sentence, was confined to the hole, and could not come to the chapel because of a violent indisposition, of which he died, allowed, till his death, that Mrs. Hays pressed upon him for some time to murder Mr. Hays, but he refused. He also said that Mrs. Hays held the candle whilst he cut off the head, and advised the cutting of the body in pieces, in order to carry it off with the greater conveniency, and was present at the doing of it : but this, as a dying woman, she denied. Wood appeared to be mightily concerned, and very penitent.

I asked Billings, if he knew that Mrs. Hays was his mother ? he said, she had told him something about it ; that he knew nothing of Mr. Hays's being his father,—declared himself heartily sorry for his sin, and that he was content to have his body disjointed, and all his bones broken, bone by bone, or to suffer the most painful death the wit of man could invent, since the anguish of his mind was greater than he could bear.

He said, that from his infancy he had lived in the fear of God, that he studied and practised religion ; and of which indeed he wanted not a competent knowledge for one of his station ; and that, excepting the barbarous crime of parricide, for which he died, he had never committed any heinous sin ; neither had he been addicted to any of those vices of whoring, drinking, or lying. He said also, that he had once taken the sacrament. I told him that by that one mortal sin of parricide, he had lost all his former righteousness. He hoped the seed of grace was left in him. I said, that it appeared very ill in such hellish fruits ; his crime not being a common murder, but parricide, by his own confession ; for he knew Mrs. Hays to be his mother, and consequently Mr. Hays, her husband, to have some paternal relation to him. He declared himself most penitent for his offence. He seemed to be a young fellow of a weak and foolish temper, and to have been seduced into the commission of this unheard of cruelty, by the persuasion of Wood, or some other way. He expected salvation only through the merits of Christ, and died in the communion of the church of England, of which he owned himself an unworthy member.

Catherine Hays, born in Warwickshire, of honest and respected parents, aged (as she said,) about 34 or 36 years, educated in the faith of the church of England. But what good instructions she received in her younger years were mostly forgotten, for she married Mr. John Hays, son to a countryman in Warwickshire, within four miles of the city of that name, who had an estate in land of 40*l.* or 50*l.* per ann. as she said, when twelve or thirteen years old, but, as her friends said, fifteen or sixteen, upon eight days acquaintance ; for, travelling by Mr. Hays's father's house, and asking the way, old Mrs. Hays asked her to come in, and young Mr. Hays fell deeply in love with her, and married her suddenly, without consent of friends, she having left her mother's house upon some discontent : and, as she affirmed, Mr. Hays her husband was so intent upon the world, that he would not suffer her to apply to the reading of her books, or religious exercises, such as praying, &c. And that

all the time of her marriage, which was twenty years and eight months, he would never suffer her to go to church but two or three times, namely, twice at London, with Billings the murderer, her son, whose true name, upon the word of a dying woman, she assured me was Hays ; and that when she went to church, it was without her husband's knowledge, and contrary to his consent. They lived in Worcestershire upon a piece of land part their own, and some of which they farmed ; but she complained that Mr. Hays was a very unkind husband, beating and mortifying her upon every trivial occasion, in a cruel manner ; and, that when she was with child, he would never suffer a midwife to be called for her but once, which, with other ill usages, proved the cause of abortion, and commonly put her in hazard of her life. Five or six years ago, upon discontents and grudges arising in the family, between Mr. Hays's father and mother and her, and her husband and her, they sold all off they had in the country, and came to town, where they kept a chandler's shop, and lived in different places, till lately they took a house in the parish of St. Mary-le-bone, where this unfortunate accident of her husband's murder happened. When I first visited her, asking the cause why they murdered Mr. Hays in so barbarous a manner ? she told me, that it was no more sin to kill him than a dog or a cat, because of the cruel usage he gave her, and the blasphemous expressions which he too frequently used, declaring that he believed nothing about a God, and that the souls of men and women perished like the brutes.—Wood, when I told him this, cast the whole blame upon her, saying, that twenty days before the murder happened, Mrs. Hays advised, and frequently pressed him to murder her husband, upon doing of which he should be master of all her money, which was of considerable value ; that he would not consent to do it ; but that afterwards she proposing it to her son Billings, he too easily agreed to it. Wood held to this confession till his death ; for two or three days before he died, lying sick in the hole, he affirmed the same, adding, that she advised to the cutting off his head, legs, and arms, and held the candle while it was doing,

All this Mrs. Hays constantly denied, and by all the arguments I and several who spoke to her, could use, she could not be in the least moved to make any farther confession ; only, that three days before the unlucky time to her and the other two, Thomas Wood sitting beside Mr. Hays in the house, and holding his hand over Mr. Hays's shoulder, said, Mr. Hays, I think it no more sin to kill you than a dog or cat. Why ? says Hays. Wood answered. Because you are so cruel to that poor industrious woman, and because you are so atheistical and wicked. Mr. Hays said, that as to striking his wife, he had such a giddiness in his head at times, that he knew not what he was doing ; and he believed that sometime or other he should kill his wife in his passion, which he could not help.

Notwithstanding this, Billings said, that his mother and Wood first plotted the murder, although when she was present, he stood in awe, and would say nothing of her. What passed between Wood and Mrs. Hays, was all she would confess, that she knew nothing of any forethought or design of murdering her husband. I told her, supposing she knew nothing of a premeditated intention, yet her concealing the murder, and abetting the murderers, made her equally guilty of the crime in the eye of the law. That she acknowledged, and said, she desired not to live, but thought she should not be burnt. I told her that burning was the particular punishment appointed by the law of England, for women who were concerned in the murder of their husbands. She wept and fretted when she thought on this.

Asking her why she concealed her husband's murder ? she said, that the ill usage he always gave her cooled her affection towards him, and her only son being concerned, she could not think of delivering him up to public justice.

She spoke much of Mr. Hays's beating and mortifying her, and some time breaking her ribs and bones, and of his having murdered two new-born children of hers, and of burying them one under an apple-tree, and another under a pear-tree, at two different places, where they lived in Worcestershire ; a note of which

a neighbour of her's in that country, who lives near to these places, took, and was to dig about the trees, to see if he could find any of the bones, and was to write an account of it to town, if any such thing could be found.

Being asked, why she maligned and spoke so much to her husband's disadvantage, now he was dead, and murdered in so barbarous a manner? she said she had no malice in her heart to him, but that her being so ill-treated by him, was the cause why she concealed the murder, and was so indifferent about it; and that she could not die in peace till she opened her mind, about the two children.

She seemed to be a woman of good natural parts, but grossly ignorant in religious matters. I was always very pressing upon her to consider her latter end, and to improve the knowledge of God, and the salvation which is to be obtained only in and through Jesus Christ. She frequently affirmed that she had no doubt of being happy in another world, because she had been just and upright in her dealings, charitable to the poor, careful in household affairs, and faithful and dutiful to her husband. As to conjugal duties, I told her that though she did not actually imbrue her hands in her husband's blood, yet by patronizing and supporting such execrable murderers, she was equally guilty, and deserving the punishment appointed her. At which she sighed and groaned, confessed herself faulty in part; for which she hoped God and the world would pardon her, and declared she heartily repented of the murder, so far as she was concerned in it.

She said she believed in Jesus Christ her only Saviour, upon whose account alone she expected eternal life and salvation. By frequent instructions, I brought her to understand some of the first elements of Christianity; but was greatly troubled to see her much less concerned than what I desired; for when I spoke to her about the great concern of her soul, she was too ready to bring in some little story, nothing to the purpose; for which, when I reproved her, she acknowledged her error. She declared herself of the communion of this church, of which she was an unworthy member. When in chapel I preached or

prayed, or discoursed about murder, she commonly fainted away, which she acknowledged to proceed from the thoughts and apprehensions of her husband's horrible murder, which still harassed and distracted her mind, night and day, ever since it happened.

At the place of execution Mrs. Hays was burnt alive, May 9, 1726. She appeared altogether unconcerned, and owned Billings for her child. Billings was hanged at the same time and place.

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### RICHARD SAVAGE, JAMES GREGORY, AND WILLIAM MERCHANT.

Richard Savage, James Gregory, and William Merchant, were indicted for the murder of James Sinclair: Savage, by giving him, with a drawn sword, one mortal wound in the lower part of the body, of the length of half an inch, and the depth of nine inches, on the 20th of November, 1727, of which mortal wound he languished till the next day, and then died: and Gregory and Merchant by being present, aiding, abetting, comforting and maintaining the said Savage, in committing the said murder.

At the request of the prisoners, the witnesses were examined apart.

Mr. Nuttal. On Monday the 20th of November last, about eleven at night, the deceased, Lemery, his brother, and I, went to Robinson's coffee-house, near Charing Cross, where we staid till one or two in the morning. We had drank two three-shilling bowls of punch, and were just concluding to go, when the prisoners came into the room. Merchant entered first, and, turning his back to the fire, he kicked down our table without any provocation. What do you mean? said I; and what do you mean? said Gregory. Presently Savage drew his sword, and we retreated to the farther end of the room. Gregory drawing too, I desired them to put up their swords, but they refused. I did not see the deceased draw, but Gregory turning to him, said, villain, deliver your sword; and soon after, he took the sword from the deceased. Gregory's sword was broken in the scuffle; but, with

the deceased's sword, and part of his own, he came and demanded mine; and I refusing to deliver it, he made a thrust at me. I defended myself. He endeavoured to get my sword from me; but he either fell of himself, or I threw him, and took the deceased's sword from him.—I did not see Savage push at the deceased, but I heard the deceased say, I am a dead man! And soon after the candles were put out. I afterwards went up to the deceased, and saw something hang out at his belly, which I took to be his caul. The maid of the house came in, and kneeled down to suck the wound, and it was after this that the soldiers came in: and I and Gregory were carried to the watch-house.

*Gregory.* Did not I say, put up your swords?

*Nuttal.* There might be such an expression, but I cannot call to mind when it was spoke

*Mr. Lemery.* I was with the deceased, Mr. Nuttal, and my brother, at Robinson's coffee-house, and we were ready to go home, when somebody knocked at the door. The landlady opened it, and let in the prisoners, and lighted them into another room. They would not stay there, but rudely came into ours. Merchant kicked down the table. Our company all retreated. Gregory came up to the deceased, and said, you rascal, deliver your sword. Swords were drawn. Savage made a thrust at the deceased, who stooped, and cried oh! At which Savage turned pale, stood for some time astonished, and then endeavoured to get away, but I held him. The lights were then put out. We struggled together. The maid came to my assistance, pulled off his hat and wig, and clung about him. He, in striving to force himself from her, struck at her, cut her in the head, and at last got away. I went to a night-cellar, and called two or three soldiers, who took him and Merchant in a back court—when Savage gave the wound, the deceased had his sword drawn, but held it with the point down towards the ground, on the left side. As to Merchant, I did not see that he had any sword.

*Mr. Nuttal* again. Nor I; nor did I see him in the room after the fray began. But after the candles were put out, he was taken with Savage in a back court.

*Jane Leader.* I was in the room, and saw Savage draw first. Then Gregory went up to the deceased, and Savage stabbed him ; and, turning back, he looked pale. The deceased cried, I am dead ! I am dead ! —I opened his coat, and bid the maid servant suck the wound. She did, but no blood came. I went to see the deceased upon his death-bed, and desired him to tell me how he was wounded. He said, the wound was given him by the least man in black ; this was Savage, for Merchant was in coloured clothes, and had no sword,—and that the tallest of them, which was Gregory, past, or struck his sword, while Savage stabbed him. I did not see the deceased's sword at all, nor did he open his lips, or speak one word to the prisoners.

*Mrs. Edersby.* I keep Robinson's coffee-house. When I let the prisoners in, I perceived they were in drink. I shewed them a room. They were very rude to me. I told them, if they wanted any liquor, they should have it ; but, if they did not, I desired their absence. Upon which one of them took up a chair, and offered to strike me with it.—They went into the next room, which is a public coffee-room in the day-time. Merchant kicked down the table. Whether the other company were sitting or standing at that table, I cannot be positive ; but it was a folding table with two leaves, and there were two other tables in the same room.—Swords were drawn ; the deceased was wounded, and Savage struggled with the maid-servant, and cut her over the head with his sword.

*Mary Rock,* the maid. My mistress and I let the prisoners into the house. My mistress shewed them a room. Merchant pulled her about very rudely, and, she making resistance, he took up a chair, and offered to strike her with it. Then asking, who was in the next room ? I answered, some company who have paid their reckoning, and are just going, and you may have the room to yourselves, if you will have but a little patience.—But they would not, and so they ran in. I went in not long after, and saw Gregory and Savage with their swords drawn, and the deceased

with his sword in his hand, and the point from him. Soon after I heard one of them say, poor dear Sinclair is killed! I sucked the wound, but it would not bleed. Savage endeavoured to get away, but I stopt him.— I did not see the wound given to the deceased, but I afterwards saw the encounter between Mr. Nuttal and Mr. Gregory.

*Mr. Taylor*, a clergyman. On the 21st of November I was sent for to pray by the deceased, and after I had recommended him to the mercy of Almighty God, Mr. Nuttal desired me to ask him a few questions; but, as I thought it not belonging to my province, I declined it. Mr. Nuttal, however, willing to have a witness to the words of a dying man, persuaded me to stay while he himself asked a question. And then, turning to the deceased, he said, do you know from which of the gentlemen you received the wound? The deceased answered, from the shortest in black, (which was Savage,) the tallest seized hold of my sword, and the other stabbed me.

*Rowland Holderness*, watchman. I came to the room just after the wound was given, and then I heard the deceased say, I was stabbed barbarously, before my sword was drawn.

*John Wilcox*, another watchman. I saw the deceased leaning his head upon his hand, and heard him then say, I am a dead man, and was stabbed cowardly.

*Mr. Wilkey*, surgeon. I searched the wound, it was on the left side of the belly, as high as the navel. The sword had grazed on the kidney, and I believe that wound was the cause of his death.

*Court*. Do you think the deceased could have received that wound in a posture of defence?

*Mr. Wilkey*. I believe he could not, except he was left-handed.

### *The Prisoner's Defence.*

Mr. Gregory said, that the reason of their going into that room was for the benefit of the fire; that the table was thrown down accidentally; that the house bore an infamous character, and some of the witnesses lay under the imputation of being persons who had no regard to justice or morality.

Mr. Savage having given the court an account of his meeting with Gregory and Merchant, and going with them to Robinson's coffee-house, made some remarks on what had been sworn by the witnesses, and declared that his endeavouring to escape was only to avoid the inclemencies of a gaol.

Then the prisoners called their witnesses.

*Henry Huggins, Thomas Huggins, and Robert Fish,* deposed, that they were present at the latter part of the quarrel, and saw Mr. Nuttal engaged with Mr. Gregory, and struggling with a sword. This only confirmed part of Nuttal's evidence. They added that the coffee-house was a house of ill fame.

*Mary Stanley* deposed, that she had seen the deceased in a quarrel before that in which he was killed; that Mr. Nuttal and he were very well acquainted, and that she had seen Mr. Nuttal and Jane Leader in bed together.

*John Pearse* deposed, that Jane Leader told him, that when the swords were drawn she went out of the room, and did not see the wound given: that she was a woman of ill reputation, and that the coffee-house had a bad character.

*John Eaton* deposed, that he had known the deceased about two months, and had heard that his character was but indifferent.

*Mr. Rainby* deposed, that the morning after the accident, he went to the coffee-house to inquire for Mr. Merchant, and then heard Mr. Nuttal say, that if he had any of the prisoners in a convenient place he would cut their throats, provided he could be sure of escaping the law.

*Mr. Cheeseborough* deposed to the same effect.

*Mr. Nuttal.* Being moved with the barbarous treatment my friend had met with, I believe I might say, that if I had them in an open field, I would not have recourse to the law, but do them justice myself.

Then Mr. Nuttal called several gentlemen, who deposed he was a man of reputation, civility, and good manners.

Several persons of distinction appeared in behalf of the prisoners, and gave them the characters of good-

natured, quiet, peaceable men, and by no means inclined to be quarrelsome.

And the prisoners then said, they hoped the good characters that had been given them, the suddenness of the unfortunate accident, and their having no pre-meditated malice, would entitle them to some favour.

The court, having summed up the evidence, observed to the jury, that as the deceased and his company were in possession of the room, if the prisoners were the aggressors by coming into that room, kicking down the table, and immediately thereupon drawing their swords without provocation, and the deceased retreated, was pursued, and killed in the manner as had been sworn by the witnesses, it was murder, not only in him who gave the wound, but in the others who aided and abetted him. That as to the characters of the prisoners, good character is of weight where the proof is doubtful, but flies up when put in the scale against plain and positive evidence ; and as to the suddenness of the action ; where there is a sudden quarrel, and a provocation is given by him who is killed, and where suddenly and mutually persons attack each other and fight, and one of them is killed in the heat of blood, it is manslaughter. But where one is the aggressor, pursues the insult, and kills the person attacked, without any provocation, though on a sudden, the law implies malice, and it is murder.

The trial lasted eight hours. The jury found Richard Savage and James Gregory guilty of murder, and William Merchant guilty of manslaughter.

On Monday, December 11th, being the last day of the sessions, Richard Savage and James Gregory, with four others capitally convicted, were brought again to the bar to receive sentence of death. And being severally asked (as is usual on such occasions) what they had to say why judgment should not be passed upon them, Mr. Savage addressed himself to the court in the following terms :—

It is now, my Lord, too late to offer any thing by way of defence or vindication ; nor can we expect ought from your Lordships, in this court, but the sentence which the law requires you as judges to pro-

nounce against men in our calamitous condition. But we are also persuaded, that as mere men, and out of the seat of rigorous justice, you are susceptive of the tender passions, and too humane not to commiserate the unhappy situation of those whom the law sometimes perhaps—exacts from you to pronounce upon. No doubt you distinguish between offences which arise out of premeditation and a disposition habitual to vice and immorality, and transgressions which are the unhappy and unforeseen effects of a casual absence of reason and sudden impulse of passion: we therefore hope you will contribute all you can to an extension of that mercy which the gentlemen of the jury have been pleased to shew Mr. Merchant, who (allowing facts as sworn against us by the evidence) has led us into this calamity. I hope this will not be construed as if we meant to reflect upon that gentleman, or remove any thing from us upon him, or, that we repine the more at our fate, because he has no participation of it; no, my Lord! for my part, I declare, nothing could more soften my grief than to be without any companion in so great a misfortune.

Mr. Merchant was burnt in the hand.

At the end of the next sessions, held the 20th of Jan. Richard Savage and James Gregory were admitted to bail in order to their pleading the King's pardon. And, on the last day of the following sessions, being the 5th of March, 1727-8, they accordingly pleaded his Majesty's pardon, and their bail were discharged.

But to come to the dismal cause of his present condition. Having for some time had a lodging at Richmond for the benefit of the air, and the conveniences of his study, he came to town on Monday the 20th of November last, in order to pay off another he had in Queen-street, Westminster, thinking the expense too great to keep them both; and falling into company with Mr. Merchant and Mr. Gregory, they all went together to a coffee-house, near his old lodging, where they drank till pretty late in the evening. Mr. Savage would willingly have got a bed at the coffee-house for that night, but there not being a conveniency for himself and company both, they went away from thence

with a resolution to waste time as well as they could till morning; when they proposed to go together to Richmond. In their walks, seeing a light in Robinson's coffee-house, they thought that a place proper to entertain them, though Mr. Savage protested he was entirely ignorant of the character of the house, and had never been there before. What was the consequence of their going in there, we have already seen.

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### SARAH MALCOLM, FOR MURDER.

Sarah Malcolm was indicted for the murder of Ann Price, spinster, by wilfully and maliciously giving her with a knife one mortal wound on the throat, of the length of two inches, and the depth of one inch, on the 4th of February, 1733, of which wound she instantly died.

She was a second time indicted for the murder of Elizabeth Harrison, spinster, by strangling and choking her with a cord, on the said 4th of February, of which she instantly died.

She was a third time indicted for the murder of Lydia Duncomb, widow, by strangling and choking her with a cord, on the said 4th of February, of which she instantly died.

She was again indicted for breaking and entering the dwelling-house of Lydia Duncomb, widow, and stealing 20 moidores, 18 guineas, one broad piece, value 25s.; four broad pieces, value 23s. each; one half-broad piece, value 11s. 6d.; 25s. in silver; a silver tankard, value 40s.; a canvas bag, value one shilling; and two shifts, value 12s. on the said 4th of February, about the hour of two in the morning of the same day.

To all which indictments she pleaded, Not Guilty.

The counsel, having opened the indictment, called the following witnesses.

*John Kerrel.* Deposed thus:—The prisoner has been my laundress about a quarter of a year. She was

recommended to me by a gentleman in the Temple. On Sunday, the 4th of this month, as I returned from commons, I met Mr. Gehagan, and going with him through Tanfield court, we found a mob there, and inquiring what was the matter, were told of the murders that had been committed. Mr. Gehagan then said, this Mrs. Duncomb was your Sarah's (the prisoner's) acquaintance. We went forward to the coffee-house in Covent-garden ; there we heard several discoursing about these murders, and it was the general opinion that they must have been committed by some laundress, who was acquainted with the chambers. From thence we went to the Horse-shoe and Magpie, in Essex-street, where we staid till one in the morning, and then returned home. I found my door open, and the prisoner in the room. Sarah, said I, are you here at this time of the morning ? you knew Mrs. Duncomb ; have you heard of any body that is taken up for the murder ? No, said she, but a gentleman who had chambers under her has been absent two or three days, and he is suspected. Said I, nobody that was acquainted with Mrs. Duncomb shall be here till the murderer is found out ; and therefore take up your things, and get away. In the mean time Mr. Gehagan went down to call the watch, but he could not find the door readily, and so he came up again, and I went down to call two watchmen, and brought them up, and I found her turning over some linen in my drawers. I asked who it belonged to ? She said it was her own. I went into the closet, and missing my waistcoats, I asked her what she had done with them ? She called me aside, and said she had pawned them at Mr. Williams's, in Drury-lane, for two guineas, and prayed me not to be angry. I told her I was not so angry on that account, but I suspected she was concerned in the murder. The next thing I took notice of was, a bundle lying on the ground. I asked what it was ! She said it was her gown. And what's in it, said I ? Why, linen, says she, that is not proper for men to see ; and so I did not offer to open it. I searched farther, and missed several things of my own, and found other things that did not belong

to me, and then I charged the watch with her, and bade them take her away, and take care of her. When she was gone, I found another bundle in my bed-chamber. Upon this I called to Mr. Gehagan, and showed it to him; whereupon we resolved to make a thorough search, and so I looked in the close-stool, where we found some more linen, and a pint silver tankard, with a bloody handle. We then went to one of the watchmen again, and he said he had let her go, upon her promising to come again at ten o'clock in the morning. I bade him find her out, by all means. He called to his brother watchman at the gate, and they went out and brought her to me. I showed her the bloody tankard and linen, and asked her if they were her's? She said yes, they were left her by her mother. I asked her how the handle of the tankard came to be bloody? She said she had cut her finger: and as for the linen, she said, it was not blood upon it, but a disorder.

*Counsel.* What kind of linen was it? did you open the bundle?

*Kerrel.* I opened that which I found in my bed-chamber; but my confusion was so great, that I don't know whether it was shifts or aprons. She told me the tankard had been in pawn, and that she had pawned my waistcoats to redeem it. The watchman carried her to the watch-house, and there they found a green silk purse, with twenty-one counters, in her bosom.

*Court.* Are you positive that she owned the tankard and linen to be her's?

*Kerrel.* Yes; but the linen in her gown was left unopened, till after she was sent to the watch-house.

*Prisoner.* Was the linen you found in the close-stool bloody?

*Kerrel.* I am not sure whether it was that or the linen that was found under my bed that was bloody, for I was very much surprised, and I brought down the one parcel, and Mr. Gehagan brought another, and we threw them down in the watchman's box, and so they were mixed together.

*Court.* Shew the tankard to the jury, and unseal

the linen, and let them see that too, and the other things.

*Kerrel.* This is the green silk purse that was found upon her in the watch-house ; she said she found it in the street ; but somebody taking notice it was clean, she said, she had washed it since. This is the gown that some of the linen was wrapped in, and this is the bloody apron that was found under my bed, and which, she said, was not bloody but marks of a disorder.

*Prisoner.* Was the linen wet or dry ?

*Kerrel.* I can't say which, but it was bloody.

*Prisoner.* Did you take it up ?

*Kerrel.* I took up that under the bed and in the close-stool. The clean linen that was in the drawers she took out herself, and the watchman afterwards fetched away that which was in the gown.

*Prisoner.* Was the gown bloody, or the shift bloody in the sleeves or bosom, or any where but in the lower part ?

*Kerrel.* I cannot say.

*Court.* Is the shift here ?

*Kerrel.* Yes.

*Court* Produce it then, and let somebody look on it.

*Ann Oliphant,* looking on it, I think here's a little blood on the upper part of the bosom.

*Prisoner.* Upon your oath, is it blood or a stain ?

*Ann Oliphant.* I cannot be positive ; but it seems like the rest.

*Prisoner* to Mr. Kerrel. Did you suspect me on account of finding me in your chambers so late on Sunday night, or was it because you saw me counting money there on Sunday morning ?

*Kerrel.* I saw no money that you had on Sunday morning. I suspected nothing of you till I found you so late in my chamber.

*Prisoner.* Swear him if he did not see me counting money in the morning, or if he did not count it after me.

*Kerrel.* No, I did not.

*Prisoner.* Did you not count 90l. in your own bed after me?

*Kerrel.* No, I say, I know nothing of it. If you had so much money you might have fetched my things out of pawn.

*Prisoner.* What! did you not reckon how many broad-pieces and moidores, and how much silver there was.

*Kerrel.* No; if I had I should have suspected you afterwards; but I had not then heard of the murder, for it was not known till two in the afternoon, and after I had heard it I went to the coffee-house, and did not return home till one o'clock on Monday morning. If I had seen you have so much money on Sunday morning, I should have had such a suspicion of you, when I first heard of the murder, that I should have come home directly.

*Prisoner.* 'Tis hard that he will deny, upon his oath, what he did with his own hands.

*Court.* What time in the morning was this?

*Prisoner.* About nine o'clock; and he asked me where I had it; and I told him from some relations in the country.

*Court.* What time did she come to your chambers?

*Kerrel.* About nine in the morning: I sent her for some tea. Mr. Gehagan breakfasted with me, and she staid till about ten o'clock, when the horn sounded for Commons.

*Counsel.* There was, you say, clean linen taken out of the drawers: was there any blood upon it?

*Kerrel.* No, I should have seized her presently if I had found any blood before she went away first.

*Counsel.* Did she own that clean linen to be her's too?

*Kerrel.* Yes.

*John Gehagan.* I have chambers over the Alienation Office, three pair of stairs high. Mine are on the left hand, and Mr. Kerrel's on the right: we are very intimate together. On Sunday morning, the 4th of Feb. I rose about eight o'clock, and saw Mr. Kerrel's door shut. About nine the prisoner came up and opened his door, and went in, and it was not ten minutes before he came to my bed-side, and said, as

you was a great advocate for me last night, I will give you a breakfast. He gave her a shilling to fetch some tea ; she made it, and staid till the horn blew for Commons. And after Commons he and I went out together. Going through Tanfield Court we found a mob there, and seeing Mr. Clarke, a writer, we asked what was the matter ? he told us of the murder, and I said to Mr. Kerrel, this is your laundress's acquaintance. We went to a coffee-house in Covent Garden, where some gentlemen, talking about the murder, said, they should suspect some of the laundresses. We staid there till eight, and then went to the Horse Shoe and Magpie in Essex street, where we staid till one in the morning, and then going home we found his door open, a fire and candle in the room, and the prisoner standing by the fire. Said Mr. Kerrel, Sarah, this Mrs. Duncomb was one of your acquaintance, have you heard of any body's being taken up for the murder ? she said, that one Mr. Knight, who had chambers under Mrs. Duncomb's, was suspected. Well, said Mr. Kerrel, I'll have nobody stay in my room that was acquainted with Mrs. Duncomb. I went down to call the watch, but there being a double door to the Alienation Office, I fumbled and could not get it open, so he came down and brought the watch up. He missed his waistcoats, and asked where they were ? she desired him to let her speak a word with him in private : he said, no, I have no business with you that needs to be made a secret of. Then she told him they were pawned. He kicked a bundle that lay in the closet, and asked her what it was ? she said, it was an old gown of her's, with a shift and apron in it ; but it was a very indecent sight for a man to see, and therefore desired him not to look into it, and so he put it aside again. Then the watch took her down, and when she was gone he looked under his bed and found another bundle. Zounds, said he, here's another bundle of linen that this wretch has left behind her ; and looking farther, he found the linen and the bloody tankard in the close-stool. We went down together, and he called the watch, and asked him where the woman was ? the watchman said, he had let her go.

You dog, said Mr. Kerrel, go and find her again or I'll send you to Newgate. The watchman soon met with her, and brought her to us. " You infamous wretch," said I, " was it not enough to rob the people, but you must murder them too? I'll see you hanged, you infernal strumpet." So I shewed her the tankard, and she began to wipe the handle with her apron; but said I, no, you shan't wipe it off; she said, it was her own, and that her mother gave it her, and that she had fetched it out of pawn, where it had lain for thirty shillings. " You wretch," said I, " your mother was never worth such a tankard." I had much ado to keep my hands off her.

*Court.* How came you to know that the prisoner was acquainted with Mrs. Duncomb?

*Gehagan.* She told me so herself.

*Court.* Did you see the linen that was taken out of the close-stool?

*Gehagan.* Mr. Kerrel gave me that linen and the tankard, and I carried them down. I saw this bloody apron and bloody shift taken out of the gown. The bundle was in the closet when Mr. Kerrel missed his waistcoat, but it was not opened then; the watchman fetched it away afterwards.

*Prisoner.* Was the blood on the tankard dry?

*Gehagan.* It appeared then to be fresh.

*Prisoner.* Was the blood on the shift or apron wet or dry?

*Gehagan.* I don't know certainly.

*Prisoner.* Who took the shift up?

*Gehagan.* I had it in my hand; the blood on it was like that on the tankard, which I thought was wet.

*Prisoner.* It has been folded up ever since then, and if it was wet then it must be damp still, if no air has come to it.—Was the linen in the close stool bloody, and what linen was it?

*Gehagan.* I don't know what linen it was, nor whether it was bloody or no.

*Prisoner.* Was the linen in the gown delivered to me before I went to the watch-house?

*Gehagan.* No; on your saying it was indecent it was

left, but the watchman came afterwards, and said, the constable thought it necessary to have the shift and apron.

*Prisoner.* What gown had I on ?

*Gehagan.* I don't know.

*Prisoner.* I would ask Mr. Kerrel the same question.

*Kerrel.* You came up in that blue riding-hood you have on now, but I did not mind what gown.

*Prisoner.* Had I any blood on my clothes, or was I clean dressed ?

*Court.* Why, it was Monday morning when you was taken ; you had 24 hours to shift your clothes.

*Prisoner.* Had I shifted myself with clean linen ?

*Kerrel.* I don't know, I did not observe.

*Richard Hughs.* As I was upon my watch in the Temple, at past one o'clock in the morning, I heard Mr. Kerrel call watch ! my brother watchman went, and then he called me ; we went up stairs, and the prisoner opened the door to us. Mr. Kerrel looked in his drawers, and in the middle drawer there was a pair of ear-rings, which she owned and took them out, and put them in her bosom. In another room there were some clothes, and he asked her about his waistcoats ; she went to whisper him, and said they were pawned ; he was angry, and said, why did not you ask me for money ? he bade me and my comrade take care of her ; but as we were not charged with her before a constable, we thought we had no occasion to keep her in custody, and so we discharged her. She went as far as Tanfield court arch, and then she turned back and said it was late, and she lived as far as Shoreditch, and therefore had rather sit up in the watch-house all night than go home. No, said I, you shall not sit up in the watch-house, and therefore go about your business, and be here again at ten o'clock. She said, she would come again at ten, and so went away. But soon after she was gone, Mr. Kerrel came down with a tankard and some clean linen, and very angry he was that we had let her go. I went after her and found her at the Temple-gate, sitting between two watchmen ; I told her Mr. Kerrel wanted to speak

with her, and (that I might get her along the more easily) I said, that he was not so angry then, as he was before, and so I brought her with me. He shewed her the tankard, and she said it was her mother's; he asked her how it came bloody? she said she had pricked her finger.

*Counsel.* Was it fresh blood upon the tankard?

*Hughs.* It looked much as it does now: then I carried her to the constable, and went away; but presently I recollect that when I was in Mr. Kerrel's room, I kicked a bundle in a gown, and asked what it was, and she said her shift and apron were in it, and not fit to be seen. I told the constable of it, and he sent for it; so I went and asked for the bundle, whereof the shift and apron were put.

*Counsel.* Whereof? wherein, you mean; look upon them, is that the apron, and that the shift?

*Hughs.* I am not sure that these are the same; for I unfolded them in the chamber; they were both bloody as they are now.

*Prisoner.* Was the blood wet or dry?

*Hughs.* I am not sure which.

*Prisoner.* 'Tis hard, if he opened and handled them, and saw they were bloody, and yet can't say whether they were wet or dry.

*Ann Love.* I have been acquainted with Mrs. Duncomb thirty years. On Sunday, the fourth of February, I went in order to dine with her; it was exactly one o'clock when I came to the chamber door. I knocked, and waited a considerable time; but nobody answered; I went down to see if I could find any body that had seen any belonging to the family, or knew whether the maid was gone out or no. I met with Mrs. Oliphant, and asked her; she said, she had seen none of them. I went up again, but could make nobody hear. Then I concluded that the old maid, Elizabeth Harrison, was dead, and that the young maid, Ann Price, was gone to her sister's to acquaint her with it. I went then to Mrs. Rhymer (who was Mrs. Duncomb's executrix) she came with me, and I went up again with her, but we could not yet get the door open; I looked out and saw the prisoner at my Lord Bishop of Bangor's door; I called her up, and

said, 'Sarah, prithee go and fetch the smith to open the door.' She said she would go with all speed, and so she went.

*Counsel.* Why did you call her.

*Love.* Because I knew she was acquainted with Mrs. Duncomb. The prisoner returned without the smith. Mrs. Oliphant came to us. O ! said I, Mrs. Oliphant, I believe they are all dead, and the smith is not come, what shall we do ? she said she could get out of her master's chamber into the gutter, and so open Mrs. Duncomb's window ; I desired her to do so by all means. She accordingly got out upon the leads, broke a pane of glass in Mrs. Duncomb's chamber-window, opened the casement, and I, and Mrs. Rhymer, and the prisoner went in. In the passage, the poor young girl, Nanny, lay murdered upon her bed, and wallowing in her blood, with her throat cut from ear to ear.

In the next room, the old maid Elizabeth Harrison lay dead, and was thought to be strangled, and in the next room to that, Mrs. Lydia Duncomb lay dead, and strangled in her bed ; and her box, where she kept her money, was broke open, and nothing left in it but some papers.

*Counsel.* Do you know that tankard?

*Love.* No ; if it was her's, I suppose she kept it locked up, for I don't remember that I have seen it in use.

*Counsel.* Have you seen the prisoner in Mrs. Duncomb's chambers at any time before these murders ?

*Love.* Yes : I was there about eight o'clock the night before the fact, and Mrs. Oliphant and the prisoner were then in the room.

*Counsel.* Do you know on what account the prisoner came ?

*Love.* She pretended she came to enquire about the old maid's health.

*Counsel.* What time did she go away ?

*Love.* She and Mrs. Oliphant went away a little before eight, and I staid about a quarter of an hour after.

*Counsel.* When you went, did any body lock the door after you ?

*Love.* I don't know ; it was a spring-lock, and there was a bolt within side, and I believe it was bolted when Mrs. Oliphant got in at the window ; for when she opened the door, I thought I heard the bolt passed back.

*Counsel.* Did the prisoner ever lie with Mrs. Duncomb.

*Love.* She was her char-woman before last Christmas.

*Counsel.* Did the prisoner use to lie there ?

*Love.* I am not sure of that.

*Counsel.* Have you seen her there at any other time than what you have mentioned ?

*Love.* Yes : about a month before the murders she came there, under the pretence of looking for the key of her master's chambers.

*Prisoner.* If you saw me there when the murder was discovered, do you know what clothes I had on ?

*Love.* I did not take notice of your clothes, but I desired you to make a fire, and so you did.

*Counsel.* Did you see any thing lie upon the table ?

*Love.* There was a case knife, with a white handle, but the blade was broke off short. I did not see the blade.

*Counsel.* What became of that broken knife ?

*Love.* It was taken away, but I can't tell who took it.

*Ann Oliphant.* Mrs. Love came to me, and said, she had been knocking at Mrs. Duncomb's door, and could not get in, and she believed Mrs. Betty, (the old maid,) was dead, and that Nanny was gone to acquaint her sister with it, and that the old lady could not get up. This was about one o'clock, and at two she told me she had sent Sarah, (the prisoner,) for a smith to break open the door, but he was not come, and she knew not how to get in. Says I, my master Grisly's chambers, you know, are opposite to Mrs. Duncomb's. He went away last Tuesday, Mr. Twysden has left the keys with me to let the chambers. Now, I'll see if I can get out of his chamber-window into the gutter, and so into Mrs. Duncomb's apartment. She desired me to try, and so I did ; I got into the gutter ; I broke a pane in Mrs. Duncomb's window, and opened the casement. Here is her window, and

here is her door ; the door was locked and bolted ; I opened it, and Mrs. Rymer and Mrs. Love came in ; I did not see the prisoner, but I believe she came soon after. In the first room we found the girl, Ann Price, with her throat cut from ear to ear, her hair loose, and hanging over her eyes, and her hands clenched thus.— In the dining room, we found Elizabeth Harrison lying in a press-bed ; she was strangled, and her throat scratched ; Mrs. Duncomb lay across her bed in the next room. The prisoner was there then, and talked to me, but I was so concerned, that I don't know what she said, and in a few minutes the mob came in.

*Counsel.* Was you at Mrs. Duncomb's the night before the murder ?

*Oliphant.* Yes, I went to see her about eight o'clock ; she said, she was sorry my master was gone, because it was so lonesome. The prisoner was then sitting by the fire with Mrs. Betty, and Mrs. Betty said, my mistress talks of dying, and would have me die with her. I got up to go away, and the prisoner said she would go down with me ; and so she did, and we parted in Tanfield-court.

*Counsel.* You say, you found the door locked and bolted ; how do you think the persons, who did the murder, could get in and out ?

*Oliphant.* I don't know. I heard some body say, they must get down the chimney ; 'tis a large kitchen chimney ; but I could thrust the lock back, it is a spring-lock ; I have often put to the bolt myself, to save Mrs. Betty the trouble of coming to shut the door after me. When I say, I shut the bolt, I mean the bolt of the lock.

*Counsel.* Is there any way to get out and leave the door bolted ?

*Oliphant.* I know of none.

*Counsel.* Can't they get out at the stair-case window ?

*Oliphant.* No, they have lately been barred.

*Counsel.* Mr. Grisly's chambers, you say, had been empty, ever since Tuesday, could they not get into his chambers, and so into her's ?

*Oliphant.* I do not know : there is a silly lock to his door, which I believe may be easily picked.

*Frances Rhymers.* I have known Mrs. Duncomb

thirty years ; and within these three or four years she has been very infirm, and her memory much decayed; and therefore she desired me to receive and take care of her money, and she made me her executrix.

*Counsel.* Then you have seen the box where her money was kept ?

*Rhymer.* Yes, I have opened it twenty times.

*Counsel.* Do you know this tankard ?

*Rhymer.* Yes, very well, it was her's : she used to put her money in it, and the tankard and money were both kept locked up in her box. I kept the key of this box ; and the Thursday before her death, she asked me if I had got her key ? I said yes, and she said, she wanted a little money. I opened her box and took out a bag ; it was a 100*l.* bag. It lay at the top of the other money in the tankard.

*Counsel.* Was this the bag ?

*Rhymer.* It was such a bag as this, I carried it to her by the fire-side, and gave her a guinea out of it ; and there might be left in the bag, I believe, about twenty guineas. But besides what was in the bag, there were several parcels, that she had had sealed up in papers, for particular uses. There were six little parcels sealed up with black wax, I believe there were two or three guineas in each. In another parcel she told me there were twenty guineas, to be laid out in her burying, and in another there were eighteen ludores.

*Counsel.* Moidores, I suppose you mean ?

*Rhymer.* Yes, I believe they call them moidôres ; these, she said, were for me, to defray any extraordinary charges that might happen. Then there was a green purse, with thirty or forty shillings in it for poor people.

*Counsel.* Look on that green purse ; do you think it is the same ?

*Rhymer.* I think it was not so long a purse as this.

*Prisoner.* Will she take her oath to every farthing of money that was in the box ?

*Rhymer.* No, I don't pretend to that.

*Counsel.* This you say was on Thursday, what did you observe in Mrs. Duncomb's chambers the Sunday following ?

*Rhymer.* When Mrs. Oliphant let us in, the first thing I took notice of, was the poor young creature in the passage, with her throat cut from ear to ear ; then in the dining-room there lay Mrs. Betty, strangled, and in the other room I found Mrs. Duncomb in the same condition, and her strong black box was broken open, and all the money and the tankard were gone.

*Prisoner.* You was there when I was called up, what clothes had I on ?

*Rhymer.* I was too much concerned to take notice of your clothes.

*Prisoner.* Was the door locked, or bolted, before Mrs. Oliphant opened it ?

*Rhymer.* I dont know.

*Prisoner.* Did you see any way that a person could possibly get out and leave the door bolted ?

*Counsel.* Somebody did get in and out too, that's plain to a demonstration.

*Frances Crowder.* I knew Mrs. Duncomb six or seven years. I know this tankard ; about five years ago she desired me to sell some plate for her ; and then she shewed me this tankard ; "but" says she, "I would not sell this, I intend to keep it for a particular reason, only I would have you ask what it is worth." Her plate was marked with a D and a C [C D L, for her husband's name was Charles,] she made use of the tankard to put her money in. And afterwards she told me, that she intended the tankard for her niece Keely.

*Counsel.* Look on that clean linen. These are the shifts that were found in Mr. Kerrel's drawers.

*Crowder.* Mrs. Duncomb's shifts had a particular cut, and I verily believe on my oath, that these were her's. I have one of her's here ; that is the very same in every respect. They are all darned too in a particular manner ; there is not one piece in all her linen, but all is darned. They have no mark, but have all the same cut and darning.

*Prisoner.* One shift may be cut like another.

*Crowder.* Mrs. Duncomb has cut shifts for me exactly in the same manner. These shifts have not been washed, I believe, for many years, but they were laid all in the box with the money and tankard.

*Prisoner.* Mrs. Rhymer took no notice of this linen ; it was strange that she could not see it ; she that opened the box so often, and must know every trifle that was in it.

*Court.* She was not asked that question.

*Rhymer.* I have seen linen at the bottom of the box ; but I did not open it, to look at it ; neither can I swear to it.

*Thomas Bigg,* surgeon. Mr. Farlow came to me at the Rainbow coffee-house at Temple-bar, to ask me to go with the coroner, and view the bodies. In the first room I found the young maid, Ann Price, lying in bed with her hair loose, and only her shift on. Her chin was fixed down, as if done with a design to hide the cuts in her throat, I lifted her chin up, and found three incisions ; one of them was not mortal, but the middle one divided the windpipe, which was cut three parts through, and either this, or the third, was sufficient for her death. Wounds in the windpipe, indeed, are not always mortal, for they may sometimes be cured ; but, in a case like this, where the great blood-vessels were cut, the unavoidable consequence must be death. She had no head-clothes on, and her hair was loose, and she seemed to have struggled hard for her life. In leaning over the bed, the mob pressed so hard upon me, that I was in danger of having my legs broken, so that I was not so particular in my observation as I could have been. The next body I viewed, was that of Elizabeth Harrison : she was strangled, and it appeared to have been done by some narrow string, as an apron-string, or a packthread. It was pulled so tight that the skin was divided, and the mark very deep. There was likewise the mark of knuckles on the wind-pipe, and the blood had gushed out at her nose. She had a gown and petticoat on, and a pair of stockings. I knew her when I was an apprentice. She had sore legs, and for that reason might lie in her stockings. Her gown seemed to be a sort of bed-gown, and I believe, being old and infirm, she lay both in that and her petticoat too. The last body was that of Mrs. Duncomb. There was a little crease about her neck, which was just enough to give a suspicion that it was made by a string being tied

round, but the mark was so small, that had she not been very ancient and weak, so that a little matter, indeed, would have put an end to her life, one would hardly have thought that to have been the cause of her death.

*Counsel.* Did you see the strings on her apron?

*Bigg.* Yes, they were bloody at the ends.

*Prisoner.* Might they not have been murdered with those strings, and no blood appear in the middle?

*Bigg.* They might have been strangled without making the strings bloody at all. But the strings being bloody at the ends, which when the apron was tied on would hang before, the blood might come upon them in the same manner as upon the rest of the apron, or it might be by folding the apron before it was dry.

*Prisoner.* If I had this apron, and did the murder in it, how is it possible that my shift should be bloody both behind and before?

*Counsel.* My Lord, we shall now shew, that it was practicable for the door to be bolted within-side by a person who was without.

*William Farlow.* Betwixt the door and the post there is a vacancy, through which a man may put his finger. I put a packthread over the bolt within-side, and then went without and shut the spring lock, and then drew the bolt by the packthread, and it shut very easily.

*Mr. Peters.* There being a difficulty started how the door could be left bolted within side, I took Mr. Farlow, porter of the Temple, with me; he put a string about the neck of the bolt, and then I shut him out, and he pulled the bolt to by both ends of the string, and then letting go one end he pulled the string out.

*Roger Johnson.* The prisoner was brought to Newgate on Monday, Feb. 5. I had some knowledge of her, because she used to come thither to see one Johnson, an Irishman, who was convicted for stealing a Scotchman's pack. She saw a room where the debtors were, and asked if she might not be in that room. I told her it would cost her a guinea, and she did not look like one that could pay so much; she said, if it

was two or three guineas, she could send for a friend that could raise the money. Then she went into the tap-house among the felons, and talked very freely with them. I called for a link and took her up into another room, where there were none but she and I. Child, said I, there is reason to suspect that you are guilty of this murder, and therefore I have orders to search you ; (though indeed I had no such orders) and with that I began to feel about her hips and under her petticoats. She desired to forbear searching under her because she was not in a condition, and with that she shewed me her shift, upon which I desisted. Then I examined down her bosom, and feeling under her arms she started, and threw back her head. I clapt my hand to her head, and felt something hard in her hair, and pulling off her cap, I found this bag of money. I asked her how she came by it, and she said it was some of Mrs. Duncomb's money ; " but Mr. Johnson," said she, " I'll make you a present of it if you will but keep it to yourself, and let nobody know any thing of the matter, for the other things against me are nothing but circumstances, and I shall come off well enough, and therefore I only desire you to let me have threepence or sixpence a day till the sessions is over, and then I shall be at liberty to shift for myself." I told the money over, and, to the best of my knowledge, there were 20 moidores, 18 guineas, 5 broad pieces, I think one was a 25s. piece, and the others 23s. pieces, a half broad piece, 5 crowns, and 2 or 3 shillings : I sealed them up in the bag, and here they are.

*Court.* How did she say she came by the money ?

*Johnson.* She said, she took this money and this bag from Mrs. Duncomb, and begged me to keep it secret. My dear, said I, I would not secrete the money for the world. She told me too, that she had hired three men to swear the tankard was her grandmother's, but could not depend upon them ; that the name of the one was William Denny, another was Smith, and I have forgot the third. After I had taken the money away, she put a piece of mattrass in her hair, that it might appear of the same bulk as before. Then I locked her up, and sent to Mr. Alstone, and told him the story ; and, said I, do you stand in a

dark place to be witness of what she says, and I'll go and examine her again.

*Prisoner.* I tied my handkerchief over my head to hide the money, but Buck happening to see my hair fall down, he told Johnson ; upon which Johnson came to me, and said, I find the cole's planted in your hair, let me keep it for you, and let Buck know nothing of it. So I gave Johnson five broad pieces, and twenty-two guineas, not gratis, but only to keep for me, for I expected it to be returned when the sessions was over. As to the money, I never said I took it from Mrs. Duncomb, but he asking what they had to swear against me, I told him only a tankard ; he asked me if that was Mrs. Duncomb's, and I said yes.

*Court.* Johnson, were those her words ? "this is the money and bag that I took."

*Johnson.* Yes ; and she desired me to make away with the bag.

*Mr. Alstone.* On the day she was committed, Mr. Johnson sent for me, and said he had found a bag of money in her hair, and would have had me take it, but I refused. I asked him where the bag was, he said he had left it with her. I told him he should have taken that too, because there might be some marks upon it. He said he would call her, and get it from her, and desired me to stand out of sight, and hear what she said. I accordingly stood in a dark place, and she came up and delivered the bag to him, and desired him to burn it, or destroy it some way or other. She said she only wanted witnesses to swear to the tankard, and for all the rest she could do well enough. She afterwards told me part of the money that was found on her was Mrs. Duncomb's, and taken out of her chamber ; that two men and a woman were concerned with her, and that she herself was the contriver, and laid the scheme of the robbery, that she let them in, and sat upon the stairs to watch while they committed the fact, but that she knew nothing of the murder ; that one Will Gibbs had been with her from the two Alexanders (the men who she said were concerned with her) and that she had sent them ten guineas.

*Counsel.* My Lord, we have here information upon oath before Sir Richard Brocas.

*Court.* If it is upon oath it cannot be read, for persons are not to swear against themselves ; all examinations ought to be taken freely and voluntarily, and not upon oath, and then we can read them. Indeed, if afterwards the examinant will accuse others his examination may be taken separately upon oath, but then it is not to be brought in evidence against him.

*Prisoner.* Johnson swears he found twenty moidores on me, and Mrs. Rhymer swore there were but eighteen lost.

*Court.* She was not positive, but said there might be about so many.

The prisoner, in her defence, spoke as follows : Modesty might compel a woman to conceal her own secrets if necessity did not oblige her to the contrary ; and 'tis necessity which obliges me to say, that what has been taken for the blood of the murdered person, is nothing but the free gift of nature.

This was all that appeared on my shift, and it was the same on my apron, for I wore the apron under me next to my shift. My master, going out of town, desired me to lie in his chamber, and that was the occasion of my foul linen being found there. The woman that washed the sheets I then lay in, can testify that the same was upon them ; and Mr. Johnson, who searched me in Newgate, has sworn that he found my linen in the like condition. That this was the case is plain ; for how was it possible it could be the blood of the murdered person ? if it be supposed I killed her with my clothes on, my apron indeed might be bloody, but how should the blood come upon my shift ? if I did it in my shift, how should my apron be bloody, or the back part of my shift ? and whether I did it dressed or undressed why was not the neck and sleeves of my shift bloody, as well as the lower parts ?

I freely own that my crimes deserve death ; I own that I was accessory to the robbery, but I was innocent of the murder, and will give an account of the whole affair.

I lived with Mrs. Lydia Duncomb about three months before she was murdered ; the robbery was contrived by Mary Tracy, who is now in confinement, and myself, my own vicious inclinations agreeing with

her's. We likewise proposed to rob Mr. Oaks, in Thames-street; she came to me at my master's, Mr. Kerrel's chambers, on the Sunday before the murder was committed; he not being then at home, we talked about robbing Mrs. Duncomb; I told her I could not pretend to do it by myself for I should be found out. No, said she, there are the two Alexanders (Thomas and James) will help us. Next day I had seventeen pounds sent me out of the country, which I left in Mr. Kerrel's drawers. I met them all in Cheapside the Friday following, and we agreed on the next night, and so parted.

Next day, being Saturday, I went between seven and eight in the evening, to see Mrs. Duncomb's maid, Elizabeth Harrison; she was very bad. I staid a little while with her, and went down, and Mary Tracey, and the two Alexanders, came to me about ten o'clock according to appointment. She would have gone about the robbery just then, but I said it was too soon. Between ten and eleven, she said, we can do it now. I told her I would go and see, and so I went up stairs, and they followed me. I met the young maid on the stairs with a blue mug, she was going for some milk to make a sack posset. She asked me who those were that came after me? I told her, they were people going to Mr. Knight's below. As soon as she was gone, I said to Mary Tracey, now do you and Tom Alexander go down, I know the door is left a-jar, because the old maid is ill, and can't get up to let the young maid in when she comes back. Upon that, James Alexander, by my order, went in and hid himself under the bed; and, as I was going down myself, I met the young maid coming up again. She asked me, if I had spoke to Mrs. Betty? I told her no; though I should have told her otherwise, but only that I was afraid she might say something to Mrs. Betty about me, and Mrs. Betty might tell her I had not been there, and so they might have a suspicion of me. I passed her and went down, and spoke with Tracey and Alexander, and then went to my master's chambers, and stirred up the fire. I staid about a quarter of an hour, and when I came back, I saw Tracey and Tom Alexander sitting on Mrs. Duncomb's stairs, and I sat down with them. At twelve o'clock

we heard some people walking, and by and by Mr. Knight came, went to his room, and shut the door. It was a very stormy night; there was hardly any body stirring abroad, and the watchmen kept up close, except just when they cried the hour. At two o'clock, another gentleman came and called the watch to light his candle, upon which I went further up stairs, and soon after this, I heard Mrs. Duncomb's door open; James Alexander came out, and said, now is the time. Then Mary Tracy and Thomas Alexander went in, but I staid upon the stairs to watch. I had told them where Mrs. Duncomb's box stood. They came out between four and five, and one of them called to me softly, and said, hip! how shall I shut the door? says I, 'tis a spring lock; pull it too, and it will be fast; and so one of them did. They would have shared the money and goods upon the stairs, but I told them we had better go down; so we went under the arch by Fig-tree Court, where there was a lamp; I asked them how much they had got? they said, they had found fifty guineas, and some silver in the maid's purse; about 100*l.* in the chest of drawers, besides the silver tankard, and the money in the box, and several other things; so that in all, they had got to the value of about 300*l.* in money and goods. They told me they had been forced to gag the people; they gave me the tankard, with what was in it, and some linen, for my share, and they had a silver spoon and a ring, and the rest of the money among themselves. They advised me to be cunning, and *plant* the money and goods, underground, and not be seen to be *flush*; then we appointed to meet at Greenwich, but we did not go.

I was taken in the manner the witnesses have sworn, and carried to the watch-house, from whence I was sent to the Compter, and so to Newgate. I own that I said the tankard was mine, and that it was left me by my mother: several witnesses have sworn what account I gave of the tankard being bloody; I had hurt my finger, and that was the occasion of it. I am sure of death, and therefore have no occasion to speak any thing but the truth. When I was in the Compter, I happened to see a young man, whom I knew, with a fetter on; I told him I was sorry to see him there, and I gave him a shilling, and called for half a quar-

tern of rum, to make him drink. I afterwards went into my room, and heard a voice call me, and perceived something poking behind the curtain; I was a little surprized, and looking to see what it was: I found a hole in the wall, through which the young man I had given the shilling, spoke to me, and asked me if I had sent for my friends; I told him, no. He said, he'd do what he could for me, and so went away; and some time after he called to me again, and said, here's a friend. I looked through, and saw William Gibbs come in. Said he, who is there to swear against you? I told him my two masters would be the chief witnesses; and what can they charge you with? said he. I told him the tankard was the only thing, for there was nothing else that I thought could hurt me. Never fear then, said he, we'll do well enough; we will get them that will rap the tankard was your grandmother's, and that you was in Shoreditch the night the fact was committed; and we'll have two men that shall shoot your two masters. But, said he, one of the witnesses is a woman, and she won't swear under four guineas; but the men will swear for two guineas each, and he brought a woman and three men. I gave them ten guineas, and they promised to wait for me at the Bull-head in Bread-street; but when I called for them, when I was going before Sir Richard Brocas, they were not there.—Then I found I should be sent to Newgate, and I was full of anxious thoughts; but a young man told me, I had better go to Newgate than to the Compter.

When I came to Newgate, I had one shilling and six-pence, in silver, besides the money in my hair, and I gave eighteen-pence for my garnish; I was ordered to a high place in the gaol. Buck, as I said before, having seen my hair loose, told Johnson of it; and Johnson asked me, if I had got any cole planted there? he searched and found the bag, and there was in it, thirty-six moidores, eighteen guineas, five crown-pieces, two half-crowns, two board pieces of twenty-five shillings, four of twenty-three shillings, and one half broad piece. He told me I must be cunning, and not be seen to be flush of money. I desired him to keep it for me, till I got clear, and only let me have

a little now and then as I wanted it ; then, said he, do you know any body that will swear for you ? No, said I, can you help me to any ? I would not do such a thing for the world, said he, if I thought you guilty : so he took the money and we parted ; but in a little time he came down again, and said, what have you done with the bag ? I have it, said I, but what would you advise me to do with it ? Why, said he, you might have thrown it down the necessary-house, or have burnt it, but give it me, and I'll take care of it ; and so I gave it him. Mr. Alstone then brought me to the condemned hole, and examined me ; I denied all, till I found he heard of the money, and then I knew my life was gone ; and therefore I confessed all that I knew. I gave him the same account of the robbers as I have given now. I told him I heard my masters were to be shot, and I desired him to send them word. I described Tracey and the two Alexanders, and when they were first taken, they denied that they knew Mr. Oaks, whom they and I had agreed to rob.

All that I have now declared is fact, and I have no occasion to murder three persons on a false accusation ; for I know I am a condemned woman ; I know I must suffer an ignominious death, which my crimes deserve, and I shall suffer willingly. I thank God that he has given me time to repent, when I might have been snatched off in the midst of my crimes, and without having an opportunity of preparing myself for another world.

My Lord, as there was more money found upon me than belonged to Mrs. Duncomb, I hope your lordship will be so good as to order what was my own to be returned me.

*Court.* The court cannot determine whose property the money is, till the jury have brought in their verdict.

The jury then withdrew, and, in about a quarter of an hour, brought in their verdict, Guilty—Death.

The Ordinary, in his account of this malefactor, informs us, that she was twenty-two years of age, descended of honest creditable parents, in the county of Durham.

Her father, she said, had a pretty estate, about 100*l.* a year, which he soon ran out, and then with the re-

version of it, he and her mother, who was an Irish woman, went to Dublin, and there they purchased a public place of the city, lived in good credit, and gave her a good education at school, in reading, writing, and such other things, as are proper for a girl above the meanest rank of the people. She lived with her father and mother, who made much of her, because of her sprightly temper, a considerable time; till some years after, her parents coming to London, about certain affairs, she came with them; and some time after that, approaching to woman's estate, she went to service, and was in several good families, where she gave satisfaction, and was never blamed for her dishonesty. Her father returning to Dublin, her mother died soon after; about which time she got to be one of the laundresses in the Temple. Before this she was a servant at the Black-Horse ale-house, where she renewed her former acquaintance with Mary Tracey, and became acquainted with the two Alexanders.

As to the murders, burglary, and robbery, for which she was indicted and found guilty, she gave much the same account as she did in court, in her defence; we shall not therefore tire the reader's patience with a repetition.

As to her behaviour, after her commitment, she no sooner entered Newgate, but she cried out, *I am a dead woman.* She was conveyed to the Old Condemned Hole, as the most proper place for securing her, and a person was appointed to watch her, from an apprehension that she intended to take away her own life. These fears were occasioned from her appearing to be extremely ill and out of order; her sick fits were succeeded by vomitings of clotted blood, and her persisting, during these ailments, to refuse taking any thing to comfort her, or support nature. Mr. Snowd, a surgeon, after examining into her case, declared it as his opinion, that her illness might be occasioned by a preternatural hurry of spirits, and was not dangerous. However, she would sometimes fall into strange agonies, rolling her eyes, clinching her hands, &c. particularly once, when her former master came to see her, she fell into an extraordinary disorder, grasping

the keeper's legs, so as scarcely to be got off; when she came to herself, all the reason she assigned was, that she could not endure to see any of her acquaintance.

When she was informed that Mary Tracey and the two Alexanders were seized, she appeared pleased, and smiled, saying, with seeming satisfaction, I shall die now with pleasure, since the murderers are taken. When the boys and the women were shewn to her, that she might see whether they were the persons whom she accused, she immediately said, Ay, these are the persons who committed the murder. And said to Tracey, you know this to be true, which she pronounced with a boldness that surprised all who were present. Then addressing her again, said, see, Mary, what you have brought me to ; and it is through you and the two Alexanders, that I am brought to this shame, and must die for it ; you all promised me you would do no murder, but to my great surprize I found the contrary.

Some gentlemen who came to see her in the press-yard, importuning her to make a frank discovery of the murder, she answered with some heat, After I have been some time laid in my grave, it will be found out. Some people of fashion asking her if she was settled in her mind, and resolved to make no further confession ; she said, that as she was not concerned in the murder, she hoped God would accept her life as a satisfaction for her manifold sins.

On Sunday, about six o'clock in the afternoon, as some people were in her room, she fell into a grievous agony, which lasted for some time with all imaginable signs of terror and fright. One of the keepers coming in said, Sarah, what's the matter? what has happened to put you in this disorder? when she pretended it was occasioned by her being told at chapel that she was to be hanged in Fleet-street among all her acquaintance, which, she said, gave her inexpressible pain. The keeper replied, I am afraid, Sarah, that is not the truth ; when the death warrant came down, I acquainted you, that you were to die there, so it is not probable that should surprise you so much now. Take my advice, make a full confession, and you'll

find your mind much easier ; to this she said not a word.

When the bellman came into Newgate to give notice to the prisoners who were to die on Monday, somebody called to Sarah Malcolm, and bid her mind what he said ; she, looking out of the window, answered, she did ; and as soon as he had done, said, dy'e hear, Mr. bellman, call for a pint of wine, and I'll throw you a shilling to pay for it ; which she did accordingly.

Sunday night, about ten o'clock, she called to Chambers, one of the prisoners who were to die the next day, and who was in a cell over against her window, and bid him be of good comfort, and asked him if she should pray along with him ? he answered, yes, Sarah, with all my heart ; upon which she began to pray very fervently, and continued to do so for the best part of the night, till all her candles were burnt out, then she exhorted him not to go to sleep, but to pray to God to forgive him for all his past offences ; your time, said she, is short, as well as mine, and I wish I were to go with you. As to the ignominy of your fate, let not that trouble you, none but the vulgar will reflect on you or your relations ; good fathers may have unhappy children ; and pious children may have unworthy parents ; neither are answerable for the other. As to the suddenness of your death, consider, we have had time to call for mercy. Having finished her speech to her unhappy companion, she shut the window, and laid herself down on her bed.

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### CAPTAIN JOHN PORTEOUS, FOR MURDER.

JOHN PORTEOUS, was the son of indigent parents near Edinburgh, who bound him apprentice to a tailor ; at which business he afterwards worked as a journeyman. It happened at this time that a gentleman who had been lord provost of Edinburgh, growing tired of his mistress, wished to disengage himself from her in a genteel manner : and knowing Porteous to be very poor, he proposed his taking her off his hands, by making her his wife. When the proposition was

first made to the lady she rejected it with much disdain, thinking it a great degradation to match with a journeyman tailor ; but on the gentleman's promising her a fortune of five hundred pounds, she consented, and they were married accordingly. Porteous now commenced master, and met with good success for some time ; but being much addicted to company, he neglected his business ; by which means he lost many of his customers. His wife, in consequence, was obliged to apply to her old friend the provost, to make some other provision for them. In Edinburgh there are three companies of men, of twenty-five each, who are employed to keep the peace, and take up all offenders, whom they keep in custody till examined by a magistrate. An officer is appointed to each of these companies, whom they style captain, with a salary of eighty pounds a year and a suit of scarlet uniform, which in that part of the world is reckoned very honourable. A vacancy happening by the death of one of these captains, the provost immediately appointed his friend Porteous to fill up the place ; and the latter being now advanced to honour, forgot all his former politeness, for which he was so much esteemed when a tradesman, and assumed all the consequence of a man in authority. If a riot happened in the city, Porteous was generally made choice of by the magistrates to suppress it, he being a man of resolute spirit, and unacquainted with fear. On these occasions he would generally exceed the bounds of his commission, and would treat the delinquents with the utmost cruelty, by knocking them down with his musquet, and frequently breaking legs and arms. If sent to quell a disturbance in a house of ill-fame, notwithstanding he was a most abandoned character himself, he would take a pleasure in exposing those he found there, he would also treat the unhappy prostitutes with the greatest inhumanity, though many of them had been seduced by himself. Smuggling was so much practised in Scotland at this time, that no laws could restrain it. The smugglers assembled in large bodies, so that the revenue-officers could not attack them without endangering their lives. The most active person in trying to suppress these unlaw-

ful practices was Mr. Stark, collector for the county of Fife, who being informed that one Andrew Wilson had a large quantity of contraband goods at his house, persuaded a number of men to accompany him; and they seized the goods, and safely lodged them, as they thought, in the Custom-house; but Wilson being a man of an enterprising spirit, and conceiving himself injured, went in company with one Robertson, and some more of his gang, to the Custom-house, when breaking open the doors, they recovered their goods, which they brought off in carts, in defiance of all opposition. Mr. Stark hearing that such a daring insult had been committed, dispatched an account thereof to the barons of the exchequer, who immediately applying to the lord justice Clark, his lordship issued his warrant to the sheriff of Fife, commanding him to assemble all the people in his jurisdiction to seize the delinquents, and replace the goods. In consequence of the above order, many were apprehended, but all discharged again for want of evidence, except Wilson and Robertson, who were both found guilty and sentenced to die. A custom prevailed in Scotland at that time, of taking the condemned criminals to church every Sunday, under the care of three or four of the city guards. The above criminals were accordingly taken to one of the churches on the Sunday before they were to suffer; when just getting within the door, Wilson, though hand-cuffed, assisted in his companion's escape, by seizing hold of one soldier with his teeth, and keeping the others from turning upon him, while he cried out to Robertson to run. Robertson accordingly took to his heels, and the streets being crowded with people going to church, he passed uninterrupted, and got out at one of the city gates just as they were going to shut it; a custom constantly observed during divine service. The city being now alarmed, Porteous was immediately dispatched in search of him, but all in vain, Robertson having met a friend who knocked off his handcuffs, and procured him a horse; and the same evening he got on board a vessel at Dunbar, which landed him safe in Holland. He afterwards kept a public-house with great credit, near the bridge at Rotterdam. On the following Wednes-

day a temporary gallows was erected in the Grass-market, for the execution of Wilson, who was ordered to be conducted there by fifty men, under the command of Porteous. The captain being apprehensive an attempt would be made to rescue the prisoner, represented to the provost the necessity there was for soldiers to be drawn up ready to preserve the peace. On which five companies of Welsh fuzileers, commanded by a major, were ordered to be in readiness in the Lawn-market, near the place of execution. No disturbance arising, the prisoner finished his devotions, ascended the ladder, was turned off, and continued hanging the usual time; at the expiration of which, the hangman going up the ladder to cut him down, a stone struck him on the nose, and caused it to bleed. This stone was immediately followed by many others, at which Porteous was so much exasperated, that he instantly called out to his men, "Fire and be damned;" discharging his own piece at the same time, and shooting a young man, who was apprentice to a confectioner, dead on the spot. Some of the soldiers more humanely fired over the heads of the people; but unfortunately killed two or three who were looking out at the windows. Others of the soldiers wantonly fired amongst the feet of the mob, by which many were so disabled as to be afterwards obliged to suffer amputation. Porteous now endeavoured to draw off his men, as the mob grew exceedingly outrageous, throwing stones, with every thing else they could lay their hands on, and continuing to press on the soldiers; on which Porteous, with two of his men, turned about and fired, killing three more of the people, which amounted to nine in the whole that were left dead upon the spot; and many wounded. A serjeant was sent by the major of the Welch fuzileers to enquire into the cause of the disturbance, but the mob was so outrageous that he could gain no intelligence. Porteous being assisted by the Welch fuzileers, at last conducted his men to the guard, when being sent for by the provost, he passed a long examination, and was committed to prison, in order to take his trial for murder. On the 6th of July, 1738, the trial came on before the lords

of the justicary, previous to which Porteous made a judicial confession that the people were killed as mentioned in the indictments; but pleaded self-defence. His counsel then stated the following point of law to be determined by the judges, previous to the jury being charged with the prisoner :

" Whether a military officers with soldiers under his command, being assaulted by the populace should fire, or order his men to fire, was not acting consistent with the nature of self-defence, -according to the laws of civilized nations ?"

The counsel being ordered to plead to the question by the court, they pronounced as their opinion,—

" That if it was proved that Captain Porteus either fired a gun, or caused one or more to be fired, by which any person or persons was or were killed, and if the said firing happened without orders from a magistrate properly authorized, then it would be murder in the eye of the law."

Thus the question being decided against him, and the jury impanelled, forty-four witnesses were examined for and against the prosecution. The prisoner being now called on for his defence, his counsel insisted that the magistrates had ordered him to support the execution of Wilson, and repel force by force, being apprehensive of a rescue ; that powder and ball had been given them for the said purpose, with orders to load their pieces. They insisted also, that he only meant to intimidate the people by threats, and actually knocked down one of his own men for presenting his piece ; that finding the men would not obey orders, he drew off as many as he could ; that he afterwards heard a firing in the rear, contrary to his orders. That in order to know who had fired, he would not suffer their pieces to be cleaved till properly inspected, and that he never attempted to escape though he had the greatest opportunity, and might have effected it with the utmost ease. They further insisted, that admitting some excesses had been committed, it could not amount to murder, as he was in the lawful discharge of his duty, and that it could not be supposed to be done with premeditated malice. In answer to this the counsel for the crown argued, that the trust reposed in the prisoner ceased when the execution was over ;

that he was then no longer an officer employed for that purpose for which the fire-arms had been loaded, and that the reading the riot act only could justify their firing, in case a rescue had been actually attempted. The prisoner's counsel replied, that the magistrates, whose duty it was to have read the act, had deserted the soldiery and took refuge in a house for their own security, and that it was hard for men to suffer themselves to be knocked on the head when they had lawful weapons put into their hands to defend themselves. The charge being delivered to the jury, they retired for a considerable time, when they brought him in guilty, and he received sentence of death. The King being then at Hanover, and much interest being made to save the prisoner, the queen, by the advice of her counsel, granted a respite till his majesty's return to England. The respite was only procured one week before his sentence was to be put in execution, of which, when the populace were informed, a scheme of revenge was meditated as is perhaps unprecedented. On the 7th of September, 1736, between nine and ten in the morning, a large body of men entered the city of Edinburgh, and seized the arms belonging to the guard; they then patrolled the streets, crying out, "All those who dare avenge innocent blood, let them come here." They then shut the gates, and placed guards at each. The main body of the mob, all disguised, marched in the mean time to the prison; when finding some difficulty in breaking open the door with hammers, they immediately set fire to it; taking care that the flames should not spread beyond their proper bounds. The outer door was hardly consumed before they rushed in, and ordering the keeper to open the door of the captain's apartment, cried out, "Where is the villain Porteus?" He replied, "Here I am? What do you want with me?" To which they answered, that they meant to hang him in the Grass-market, the place where he had shed so much innocent blood. His expostulations were all in vain, they seized him by the legs and arms, and dragged him instantly to the place of execution. On their arrival they broke open a shop to find a rope suitable to their purpose, which they immediately fix-

ed round his neck, then throwing the other end over a dyer's pole, hoisted him up ; when he, endeavouring to save himself, fixed his hands between the halter and his neck, which being observed by some of the mob, one of them struck him with an axe, which obliged him to quit his hold, and thus they soon put an end to his life. When satisfied he was dead, they immediately dispersed to their several habitations, unmolested themselves, and without molesting any one else. On the news of this extraordinary affair being transmitted to London, a proclamation was issued, with a reward of two hundred pounds to any one who would discover his accomplice ; in consequence of which some few were taken into custody, but discharged for want of evidence. The magistrates of Edinburgh were ordered to London ; and they were not only fined but rendered incapable of acting in a judicial capacity ever after.

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### RICHARD TURPIN, HIGHWAYMAN.

RICHARD TURPIN was son of John Turpin, of Hampstead, in Essex, who put him to school to a writing master ; from whence he was put apprentice to a butcher in Whitechapel, where he served his time. He was frequently guilty of misdemeanours, and behaved in a disorderly manner. As soon as he came out of his time he married the daughter of one Palmer, and set up for himself in Essex, where he was reduced to the necessity of maintaining himself by indirect practices, and accordingly very often used to rob the neighbouring gentlemen of sheep, lambs, oxen, &c. particularly once he stole a couple of oxen from Mr. Giles, of Plaistow, which he had conveyed to his own house, and cut up, but was detected by two of the gentleman's servants, who, having a suspicion of him, from some information they had received, inquired where Turpin sold the hides of his beasts, and being informed that he generally sold them at Waltham Abbey, they went there, and were convinced on sight of the hides, that Turpin was the

man who stole the oxen, and immediately returned to apprehend him, which he being apprized of, jumped out of a window, and made his escape : when he was gone his wife disposed of the carcasses.

Turpin upon this immediately formed a design of commencing smuggler ; for which purpose, his wife having furnished him with what small sum of money she could raise, he went into the hundreds of Essex, where he soon got into a gang of smugglers, and he followed his new profession for some time with tolerable success ; but at last lost all he had acquired ; upon which not caring to run any more hazards, he thought proper to try his luck some other way. Soon after he met with a gang of deer stealers, who finding him a desperate fellow, and ripe for any mischief, admitted him amongst them, but the hundreds of Essex not being so proper for them as the other parts of the country, they determined to come up nearer to town and to the forest, which they did, and robbed not only in the forest but in several gentlemen's parks, and by that got a considerable sum of money. It was Turpin's being engaged with this crew that brought him acquainted with Gregory, Fielder, Rose, and Wheeler, who were afterwards called the Essex gang. They followed deer stealing only for some time, but beginning to be too well known by the keepers, and not finding money come in so fast as they expected, they formed themselves into a body by Turpin's direction, and resolved to go round the country at nights, and whenever they knew a house had any thing of value in it ; one knocked at the door, and as soon as it was opened the others rushed in and commenced plundering, nor were they content to take the money, plate, and watches, but they seized even household goods if they found any they liked. In short, to such a pitch of audacity were they grown that they were a terror, not only to the whole county of Essex, but to all the neighbouring counties.

The first person attacked by them was one Mr. Strype, an old man that kept a chandler's shop at Watford ; from whom they took what little money he had scraped together, but did him no further mischief ; but they did not behave in the same manner long ; for

their next attempt was a scheme of Turpin's, who told the gang he knew an old woman at Laughton, who, he was sure, had 7 or 800l. by her. Accordingly they proceeded to Laughton; Wheeler knocked at the door, and Turpin and his companions all rushed in, and the first thing they did was to bind the old lady, her son, her man, and maid; then Turpin began to examine where the money and effects were; telling her at the same time he knew she had money, and it was in vain to deny it, for have it they would. The old gentlewoman being loth to part with her money, persisted that she had none, and would not declare any thing more of the matter. Upon which some of the crew were inclined to believe her, and were sorry for their disappointment; but Turpin insisting she had money, at last cried, if you won't tell us I will set you on the grate. She, imagining he only meant to threaten her, remained silent, and even suffered herself to be so served; and endured it for some time, till the anguish at last forced her to discover; which when she had done they took her off the grate, and robbed her of all they could find, which was upwards of 400l.

The next person they robbed was a farmer near Ripple-side; where the people of the house not coming to the door so soon as they expected, they broke it open. They first of all, according to their usual custom, tied the old man, the old woman, and the servant maid, and a son-in-law of the old farmer's coming in unluckily, they likewise secured him; they afterwards ransacked the house, and in money and things robbed the old farmer of about 700l. Turpin finding their booty so considerable, with an oath, cried out, ay! this will do if it would always be so. For by this enterprize the whole gang shared about 80l. a man.

Turpin, flushed with this success, resolved to be revenged on several who had endeavoured to detect them. Among others, Mason, the keeper upon Epping Forest, was pitched upon to feel the effects of their resentment. Accordingly, a time was fixed when they should go and attack his house. Turpin having shared so much money, could not refrain coming to

London for pleasure, and by getting drunk forgot the appointment with his companions, and never went near them ; they waited for him a long time, but finding he did not come, they determined not to be balked in their design ; and Fielder and Rose taking upon them to command in the expedition, they all set out to Mason's, having first bound themselves with an oath not to leave one whole piece of goods in the house. Accordingly, having broke open the door, they beat and abused Mason in a terrible manner, and then kicked him under the dresser, and there left him. An old man was sitting by the fire, but upon declaring he knew none of them when they asked him, they did not meddle with him. Mason's little girl, in her fright, got out of bed, and without any clothes ran into the hog sty, and there hid herself ; they then went up stairs and broke every thing they could lay their hands on ; at last, spying a punch bowl that stood a little out of the way, they broke that, and out dropped 120 guineas, which they took, after they had done as much mischief as they could, and then went away very well satisfied.

On Saturday, the 11th of Jan. 1735, at seven or eight o'clock in the evening, Turpin, Fielder, Walker, and three others, came to the door of Mr. Saunders, a wealthy farmer at Charlton, in Kent, and knocking at the door, inquired if Mr. Saunders was at home ; being answered he was, they all rushed in, went directly to the parlour, where Mr. Saunders, his wife, and some friends were at cards ; desired them not to be frightened for that they would not hurt their persons, if they sat still and made no disturbance. The first thing they laid hands on was a silver snuff box, which lay on the table before them, and having secured the rest of the company, obliged Mr. Saunders to go about the house with them, and open his closets, boxes, and escrutoire, from whence they took upwards of 100l. in money, and all the plate in the house, a velvet hood, mantle, and other things. Whilst this was doing, the servant maid got loose, ran up stairs, barred herself into one of the rooms, and called out at the window for assistance, in hopes of alarming the neighbourhood ; but one of the rogues ran up stairs

after her, and with a poker broke open the door, brought her down again, bound her and all the rest of the family, robbed the house of divers other things of value, and finding in their search some bottles of wine, a bottle of brandy, and some mince pies ; they all sat down, drank a bottle of wine, and eat a mince pie, and obliged the company to drink each a dram of brandy. And Mrs. Saunders fainting away with the fright, they got her a glass of water, put some drops in it, and were very careful to recover her. They staid about two hours in the house before they packed up their plunder, and then marched off with it. But threatened the people that if they stirred within two hours, or advertized the marks of the plate, they would murder them. When they concerted this robbery they met at the George at Woolwich ; and after they had effected their design, they crossed the water, and brought the goods to an empty house in Ratcliff Highway, where they divided the plunder.

On Saturday, the 18th of January, Turpin, Fielder, Walker, and two others, made an appointment to rob Mr. Sheldon's house, near Croydon in Surrey, and for that purpose, met the same evening at the Half-moon tavern at Croydon, about six o'clock, and about seven went to Mr. Sheldon's ; Walker had some knowledge of the house, and going at the head of his companions into the yard, and perceiving a light in the stable, they went thither, where the coachman was dressing his horses ; him they bound, and going from thence, met Mr. Sheldon in the yard, whom they seized, and compelled him to show them the way into the house. They took from Mr. Sheldon eleven guineas, and robbed the house of several pieces of plate, jewels, and some other things of value ; but before they left the place, they returned Mr. Sheldon two guineas of the money, asked pardon for what they had done, and bade him good night.

On Tuesday, the 4th of February, Turpin, Gregory, Fielder, Rose, and Wheeler, having formed a design to rob Mr. Lawrence, at Edgeware-bury, near Stanmore in Middlesex, met, about two o'clock in the afternoon, at the Black-horse, in the Broadway, Westminster, near which Rose and Fielder lodged, and set

out from thence on horseback to the Nine-pin and Bowl at Edgeware, where they had appointed to meet about five o'clock ; while they staid there, their horses were in the yard, which gave Mr. Wood, who kept the house, the better opportunity of observing them, when he saw them afterwards in King-street, Bloomsbury, where they were taken. About five o'clock they went from Mr. Wood's to the Queen's-head at Stanmore ; and about seven they all went away together to Mr. Lawrence's, which was about a mile from thence, where they got about half an hour after seven. Mr. Lawrence had but just before been paying off some workmen, who were discharged and gone from the house. At their arrival at Mr. Lawrence's, they alighted from their horses at an outer gate ; and Fielder and another getting into the sheep-yard, met Mr. Lawrence's boy, just putting up some sheep; him they seized, and presenting a pistol to him, Fielder said he would shoot him, if he offered to cry out, and then took off the boy's garters, and tied his hands, and enquiring of him what servants Mr. Lawrence kept, and who was in the house, they told him they would not hurt him, but that he must go to the door with them, and when they knocked at it, if any body within should ask who it was, that the boy was to answer, and bid them open the door to let him in, and they would give him some money. Accordingly, they led the boy to the door, but he was so terrified that he had no power to speak ; whereupon Gregory knocked at the door, and calling out, Mr. Lawrence's man-servant apprehending it to be some of the neighbours only, opened the door, upon which they all rushed in with pistols in their hands, crying out, how long have you lived here ? And immediately seizing Mr. Lawrence and his man, threw a cloth over their faces, then took the boy into the next room, with his hands tied, and setting him down by the fire, examined him as to what fire-arms were in the house, and being told there was an old gun, they broke it in pieces, then took the man, and bound his hands, and led him into the room where the boy was, made him sit down there, and also bound Mr. Lawrence. Turpin broke down his breeches, and fell to rifling his pockets, out of which they took one.

guinea, one thirty-six shilling piece, about fifteen shillings in silver, and his keys. They said that money was not enough, they must have more, and drove Mr. Lawrence up stairs, where coming to a closet, though they had taken the key from Mr. Lawrence before, and had it in their custody, yet they broke open the door, and took out two guineas, ten shillings, a silver cup, thirteen silver spoons, two gold rings, and all they could find ; and in their search, meeting with a bottle of elder wine, they took it, and obliged the servants to drink twice of it.

Dorothy Street, the maid servant, being in the back-house a churning, and hearing a noise, suspected rogues were got into the house ; and in order to save herself, she put out the candle ; but they rushed in upon her, tied her hands, and then brought her into the room where the other servants were, rifled the house of all they could get, as linen, table-cloths, napkins, shirts, and the sheets from off the beds, trod the beds under feet, to find if any money was there concealed, and suspecting there was more in the house, they brought Mr. Lawrence down stairs again, threatened to cut his throat, and Rose put a knife to it, as if he intended it, to make him confess what money was in the house ; then they beat him with their hands, as hard as they could. One of them took a kettle of water off the fire, and flung it upon him, but it did him no other harm than wetting him, the maid having before taken out the greater part of boiling water, and filled it up again with cold. Then they hauled him about again, and swearing they would rip him up and burn him alive, if he did not tell them where the rest of his money was,—proceeded to make a further search. They at last met with a chest belonging to one of Mr. Lawrence's sons, which they broke open, and took out of it twenty pounds, and all his linen ; then they enquired of the boy, whether Mr. Lawrence's son would come home that night, and being informed that he would, they hurried away, threatening to come again in half an hour, and if they then found any body loose, they would kill him. Some of the goods were afterwards found in Duck-

lane, and others in Thieving-lane, where Rose and Walker were taken.

Although in this robbery they got about twenty-six pounds in money, in the whole, besides plate and goods, yet they made no fair distribution of it among themselves ; for to Wheeler, the evidence, who was set to watch Mr. Lawrence and his servants, whilst the others were rifling the house, his companions pretended, they had only got three guineas in the whole, and about six shillings and six-pence in silver.

These frequent robberies, being committed in so daring a manner, induced his majesty to promise in the gazette, a pardon to any one of the criminals, who had been concerned in robbing, and entering the house of Joseph Lawrence, senior, at Earlsbury, near Edge-ware, &c. ; and also, as a further encouragement, a reward of 50l. for every one of the criminals, who should be discovered and apprehended, to be paid upon conviction of the offenders.

Notwithstanding which, on the 7th of Feb. Turpin, Fielder, Rose, Walker, Bush, and Gregory, together with Wheeler, met by appointment at the White-Bear inn, at the upper end of Drury-lane, at five in the evening, when they agreed to rob Mr. Francis, a farmer near Mary-le-bone, where they arrived about seven ; and while they were observing the house, one of them perceived somebody in the cow-house ; they went thither, and finding one of the men-servants there, they seized and bound him, threatening to shoot him if he cried out, or made any noise ; then carried him into the stable, where there was another of Mr. Francis's men, whom they seized and bound also. They had scarce done that, before Mr. Francis, who had been abroad, came in ; they met him at the gate as he was going up to his door, three of them laying their hands upon his head, Mr. Francis, not apprehending them to be rogues, thought it done in a frolic, on which they presented their pistols to him, and swore they would shoot him if he made opposition or disturbance ; and, seizing him by the arms, led him into the stable to his men, where they bound him, and left him under the care of Turpin and Bush, who stood over them with loaded pistols, whilst the

other five went to the house, and, knocking at the door, Mr. Francis's daughter opened it, supposing it to be some of their men. But as soon as the door was opened, Wheeler and the rest rushed in, and presenting their pistols at her, threatened to shoot her if she made any disturbance ; which the maid hearing, cried out, Lord, Mrs. Sarah, what is the matter ? on which one of them struck the maid, and the other struck Mr. Francis's daughter, and swore they would murder them if they did not hold their peace. Mrs. Francis hearing the disturbance, and being apprehensive of some danger, came out of the parlour, on which Fielder stepped up to her, and immediately broke her head with the handle of his whip, and then tied her down in a chair, bleeding as she was. The maid and daughter were bound in the kitchen, and Gregory stood over them with a pistol in his hand to prevent their crying out for assistance, or endeavouring to get their liberty, whilst the other four were rifling the house. They found, besides other things, a silver tankard, a gold watch, chain and seal, a silver picture of King Charles the First, washed with gold, a gold ring set with diamonds, a gold ring set with a stone and four diamonds, two gold rings with posies, a piece of gold with a hole in it, thirty-seven guineas, and ten pounds in silver, which they took away with them ; also shirts, stockings, and divers other sorts of goods ; but here, as they had done before, they cheated each other ; for, excepting the goods, they divided only nine pounds twelve shillings and sixpence amongst them, the guineas were secreted by him that laid hands on them. They spent about an hour and a half in rifling the house, whilst Gregory stood sentry over old Mrs. Francis and her maid and daughter, and Turpin and Bush over Mr. Francis and the two servants in the stable. When they had packed up their plunder, they all marched off with what they had got.

These transactions alarmed the whole country, nobody thinking himself safe ; upon which Mr. Thompson, one of the King's keepers, went to the Duke of Newcastle's office, and obtained his majesty's promise for a reward of one hundred pounds for whoever should

apprehend any of them. This made them a little more cautious. However, some of the keepers and others, having intelligence that they were all regaling themselves at an ale-house in an alley at Westminster, they pursued them thither, and, bursting open the door, found Turpin, Fielder, Rose, and Wheeler, and two women. Fielder, Rose, and Wheeler, after a stout resistance, were taken, but Turpin made his escape out of a window, and, taking horse, rode away immediately; Wheeler made himself an evidence, and the other two were hanged in chains.

Turpin, being quite left to himself, took a resolution to be concerned in no other gang, but to go towards Cambridge, as he was not known in that country.

But before he reached his journey's end, he met with the following odd encounter. King, the highwayman, who had been towards Cambridge on the same account, was coming back to London. Turpin seeing him well mounted, and appearing like a gentleman, thought that was the time to recruit his pockets, and accordingly bade King stand, who keeping him in discourse some time, and dallying with him, Turpin swore if he did not deliver immediately, he would shoot him through the head. Upon which King fell a laughing, and said, what! dog eat dog!—come, come, brother Turpin, if you don't know me, I know you, and should be glad of your company. After mutual assurances of fidelity to each other, and that nothing should part them but death, they agreed to go together, upon some exploits, and met with a small booty that very day, after which they continued together, committing divers robberies, for nearly three years.

King being very well known about the country, as Turpin likewise was, insomuch that no house would entertain them, they formed a design of making a cave, and to that purpose pitched upon a place enclosed with a large thicket, situate between Loughton road and King's Oak road. Here they made a place large enough to receive them and their horses; and while they lay quite concealed themselves, could see through several holes made on purpose, what passengers went by in either road, and as they thought proper, could

issue out and rob them, in such a manner, and so frequently, that it was not safe to travel that road, and the very higglers were obliged to go armed. In this cave they lived, eat, drank, and lay ; Turpin's wife supplied them with viands, and frequently staid there all night.

From the forest, King and he once took a ride, to Bungay, in Suffolk, where Turpin, having seen two young market-women, receive thirteen or fourteen pounds for corn, would rob them ; King attempted to dissuade him from it, telling him they were two pretty girls, and he would not be concerned in it. Turpin swore he would rob them, and accordingly did, against King's consent, which occasioned a dispute between them.

At their return to their cave, they robbed one Mr. Bradele, who was taking an airing in his chariot, with his two children. King first attacked him ; but he being a gentleman of spirit, offered to make resistance, thinking there had been but one ; upon which, King called Turpin by the nick-name of JACK, and bade him hold the horses' heads ; they took first Mr. Bradele's money, which he readily gave up, but insisted upon not giving up his watch, which he said he would not part with ; but the children in a fright persuaded their father to let the robbers have it ; they further insisted on an old mourning ring, of small value, which Mr. Bradele told them, was not worth eighteen-pence to them, but he prized it very much. King insisted upon having it off, which, when he had, he returned it to him, saying, they were more of gentlemen than to take any thing a gentleman valued so much. Mr. Bradele asked him, if he would let him purchase his watch ? upon which King said to Turpin, Jack, here seems to be a good honest fellow ; shall we let him have the watch ? ay, said Turpin, do just as you will ;—and then Mr. Bradele enquiring what would be the price, King told him, six guineas, we never sell one for more, if it be worth six and thirty ; upon which Mr. Bradele promised not to discover them ; and said he would leave the money at the Dial, in Birch-in-lane ; when Turpin cried out, ay but King, insist upon no questions being asked.

Shortly after this, Turpin, King, and one Potter, whom they had lately taken into their company, set out for London, and coming over the forest, within about 300 yards of the Green-Man public house, Turpin's horse began to tire. They overtook one Mr. Major, and although they were so near the house, Turpin ventured to rob him, took his whip, and, finding he had a better horse than his, made him dismount and change, and stay till he had changed saddles likewise, and then rode towards London. Mr. Major got to the Green-Man, and acquainted Mr. Bayes with it, who immediately said, "I dare swear 'tis Turpin has done it; or one of that crew, and I'll endeavour to get intelligence of your horse; this they have left you is stolen, and I would have you advertise it." This was accordingly done, and the horse proved to have been stolen from Plaistow marshes; and the saddle from one Arrowsmith.

This robbery was committed on Saturday night, and on Monday following, Mr. Bayes received intelligence that such a horse as Mr. Major had lost, was left at the Red Lion in Whitechapel; he accordingly went thither, and found it to be the same; and then resolved to wait till somebody came to fetch it. About eleven o'clock at night, King's brother came for the horse, upon which he was seized immediately, and taken into the house, when he said he had bought the horse and could produce proof of it. Mr. Bayes then charged a constable with him; whereupon he became frightened, and they declaring, that they believed he was merely sent to fetch the horse, by the rogues that stole it, and if he would tell them where they waited, he should be released; he told them there was a lusty man in a white duffle coat, waiting for it in Red Lion-street. Mr. Bayes immediately went out, and finding him as directed, perceived it was King, and coming round upon him attacked him: King immediately drew a pistol, which he clapped to Mr. Bayes's breast, but it luckily flashed in the pan; upon which King struggling to get out his other, it had twisted round his pocket, and he could not. Turpin, who was waiting not far off on horseback, hearing a skirmish, came up, when King cried out, Dick, shoot

him, or we are taken by G——d ; at which instant Turpin fired his pistol, it missed Bayes, and shot King in two places, who cried out, Dick, you have killed me ; which Turpin hearing, rode away as fast as he could. King fell on his being shot, though he lived a week after, and gave Turpin the character of a coward, telling Mr. Bayes, that if he had a mind to take him, he knew that he might then be found at a noted house by Hackney Marsh, and that when he rode, he had three brace of pistols about him, and a carbine slung. Upon enquiry it was found, that Turpin did actually go directly to the house which King mentioned, and made use of these expressions to the man ;—what shall I do ? where shall I go ; d——n that Dick Bayes, I will be the death of him ; for I have lost the best fellow-man I ever had in my life ; I shot poor King, in endeavouring to kill that dog. The same resolution of revenge he maintained to the last, though he had not the means of effecting it.

After this, he still kept about the forest, till he was harassed almost to death ; for his place of safety, the cave, had, while he was absent, been discovered ; in it were found two shirts in a bag, two pair of stockings, part of a bottle of wine, and some ham ; so that being drove from thence, he skulked about the woods, and was once very near being taken, when Mr. Ives, the King's huntsman, took out two *dry-footed* hounds, to find him out ; but he perceiving them coming, got up into a tree, and seeing them go underneath him, was so terrified at it, that he took a resolution of going away that instant for Yorkshire, which he executed. He made his journey by Lincolnshire, and having taken the name of Palmer, he resided for some time at Long-Sutton, in the neighbourhood of which he stole several sheep, and at last was apprehended for a fact of that kind, but escaping out of the constable's hands, fled immediately out of Lincolnshire, to Brough, near Machet-Cave, in Yorkshire, and staid some time at the Ferry-house, in Brough ; from thence he went sometimes to live at North-Cave, and at other times at Welton ; and at these places he continued under the name of Palmer, about fifteen or sixteen months, except at such times that he went to see

his friends in Lincolnshire, as he pretended. At his return from these journeys, he used frequently to bring three or four horses with him, which he sold for others in Yorkshire. While he lived in this manner at Brough-Cave and Welton, he often took his diversion with the gentlemen of the country, in hunting and shooting. Once, as he was returning from shooting, which was the beginning of October, 1738, seeing one of his landlord's cocks in the street, he shot at it, and killed it ; which Hall his neighbour, taking notice of, said to him, you have done wrong in shooting your landlord's cock. To which Palmer replied, If he would only stay while he charged his piece, he would shoot him too. Upon which Hall went and acquainted the landlord with what Palmer had done and said. The landlord immediately thereupon, went with Hall to Justice Crowley, and obtained a warrant for apprehending the said Palmer ; and the next day he was taken into custody, and conveyed before the bench of justices, then sitting in their general quarter sessions, at Beverley, and examined by the justices of the East Riding of Yorkshire ; who demanded sureties for his good behaviour, and he refusing to find any, they committed him to the house of correction.

Some persons of Brough and Welton, having given informations to the justices, that Palmer frequently went into Lincolnshire, and usually returned with plenty of money, and several horses, which he sold or exchanged in Yorkshire ; and that there was reason to suspect that he was either a highwayman, or horse-stealer, the justices the next day went to the said John Palmer, and demanded of him who he was, where he had lived, or what he was, or had been his employment ? to which he thus answered. That about two years ago he had lived at Long-Sutton, in Lincolnshire, and was by trade a butcher ; that his father then lived at Long-Sutton, and his sister kept his father's house there ; but he having contracted a great many debts, for sheep that proved rotten, so that he was not able to pay for them, he was therefore obliged to abscond, and come to live in Yorkshire.

Upon this confession, the justices thought it necessary to send a messenger into Lincolnshire, to ex-

amine into the truth of it, and accordingly ordered Mr. Appleton, clerk of the peace, to write a letter to Long-Sutton, and therein relate the whole affair. This letter they sent by a special messenger, who gave it to Mr. Delamere, a justice of the peace, who lived at the place. The answer returned by Mr. Delamere was as follows:—That the said John Palmer had lived there about three quarters of a year, and was accused before him, of sheep-stealing; whereupon he issued out his warrant against him, who was thereupon apprehended, but made his escape from the constable; and soon after such his escape, Mr. Delamere had several informations lodged before him against the said Palmer, for horse-stealing: and that Palmer's father did not live at Long-Sutton, neither did he know where he lived, therefore desired Palmer might be secured, and he would make further inquiry about the horse so stolen, and would bind over some persons to prosecute at the next assizes.

Mr. Appleton, on the receipt of this letter, immediately wrote to Mr. Crowley, who, the next morning, came to Beverley, and understanding what a villain Palmer was, he did not think it safe he should stay in the house of correction, and therefore he was again required to find sureties, which he not being able to do, his commitment was made to York Castle, and accordingly he was sent the same morning, October 16, 1738, to the said prison, hand-cuffed, and guarded by John Milner and George Smith, who, pursuant to their orders, conveyed him thither. When Palmer had been a prisoner in York Castle about a month, two persons out of Lincolnshire, came and claimed a mare and foal, which Palmer had sold to Captain Dawson, of Ferreby, and likewise the horse on which Palmer rode, when he came first to Beverley, affirming that he had stolen it from them, off Hichington-Fen, in Lincolnshire. After he had been a prisoner in York Castle about four months, he was discovered to be Richard Turpin, the famous Essex robber.

On the 22d of March, 1739, he was tried at York assizes, before Sir William Chapple, Knt. one of the judges of the King's-Bench, on two indictments for horse-stealing, and on full evidence was convicted and

condemned. After which, to prove that this Palmer was Richard Turpin, the noted highwayman, Mr. James Smith, and Mr. Edward Seward, who went to York assizes from Essex, by order of the justices of that county, being called upon to give their evidence, deposed as follows :—

And first, Mr. James Smith being sworn, deposed that he had known the prisoner at the bar ever since he was a child ; that his name was Richard Turpin, and that he was born at Hampstead, in Essex ; that he knew his father, and all his relations. That it was about five years since he saw him last ; that he taught him to write for about three quarters of a year : that the occasion of his (this deponent's) coming to York assizes, was this.—Happening to be at the Post-Office, he saw a letter directed to Turpin's brother-in-law, who, as it was said, would not open the letter, and pay postage ; and on that account, taking particular notice thereof, he thought at first he remembered the superscription, and concluded it to be the hand-writing of the prisoner Turpin ; whereupon he carried the letter before a magistrate, who broke it open, (the letter was subscribed John Palmer,) and found it was sent from York Castle. This deponent knew his hand, and having seen several of Turpin's bills, a letter being produced in court, he was asked whether it was Turpin's letter ? he answered it was, and that this was the cause of his coming down ; and the reason of his taking notice of it was his seeing the York stamp upon the letter. That on his coming to York Castle, on the first view of him, he pointed him out from all the rest of the prisoners.

Mr. Seward, the other person from Essex, being asked by the court what he knew concerning the prisoner, deposed as follows :

I have known the prisoner about twenty two years, he was born at the Bell, his father kept a public house. I knew him after he set up as a butcher, and have bought a great many joints of meat of him. I saw him frequently at Hampstead, and was with him often at his house there, and after he left it he came backwards and forwards. The last time I saw him was about five or six years ago ; and I know the pri-

somer at the bar to be Dick Turpin, the son of John Turpin, who keeps the Bell at Hampstead. When I spoke to him at the Castle I knew him again, and he confessed he knew me, and said to me two or three times, Let us stop our eyes with drink, and I drank with him.

Turpin denied that he knew this Mr. Seward, but seemed to own at last that he had some knowledge of Mr. Smith.

After his conviction, he was as jovial, as merry, and as frolicksome, as if he had been perfectly at liberty, and assured of an hundred years of prosperity to come.

When it was spread abroad that he was the Turpin, who had rendered himself so notorious for his robberies in the southern parts of England, abundance of people from all parts resorted daily to see him.

He seemed to pay but little regard to the serious remonstrances and admonitions of the reverend clergymen who attended him; whatever remorse he had upon his conscience, for his past villanies, he kept it to himself, not expressing the least concern at the melancholy circumstances he was in.

The morning before his execution, he gave three pounds ten shillings amongst five men, who were to follow the cart as mourners, with hat-bands and gloves to several persons more. He also left a gold ring and two pair of shoes and clogs to a married woman at Brough that he was acquainted with; though he at the same time acknowledged he had a wife and child of his own.

He was carried in a cart to the place of execution, at York, on Saturday, April 7, 1739, with John Stead, condemned also for horse-stealing; he behaved himself with amazing assurance, and bowed to the spectators as he passed. It was remarkable, that as he mounted the ladder his right leg trembled, on which he stamped it down with an air, and with undaunted courage looked round about him; and after speaking half an hour to the topsman, threw himself off the ladder, and expired in about five minutes.

His corse was brought back from the gallows about

three in the afternoon, and lodged at the Blue Boar in Castlegate, till ten the next morning, when it was buried in a neat coffin in St. George's Church-yard, without Fishergate Postern, with this inscription, I. R. 1739, R. T. aged 28. The grave was dug very deep, and the persons his mourners, as above-mentioned, took all possible care to secure the body ; notwithstanding which, on Tuesday morning, about three o'clock, some persons were discovered to be moving off the body, which they had taken up ; and the mob having got scent where it was carried to, and suspecting it was to be anatomized, went to a garden in which it was deposited, and brought away the body through the streets of the city, almost naked, it being only laid on a board, covered with some straw, and carried on four men's shoulders, and buried it in the same grave, haying first filled the coffin with slacked lime.

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### ELIZABETH CANNING, FOR PERJURY.

ELIZABETH CANNING, spinster, was indicted for wilful and corrupt perjury on the trial of Mary Squires, a gipsey, in swearing she was robbed by the said Mary Squires of a pair of stays, value ten shillings, in the house of Susannah Wells, at Enfield Wash, Jan. 2, 1753.

*The witnesses were examined apart.*

After the indictment was opened by the counsel for the prosecution, William Chetham produced the copy of the record of the conviction of Mary Squires, at the sessions house in the Old Bailey, which was read ; the purport of which was, that she was tried and convicted for the same.

Then Thomas Gurney, the minuter, was called, who deposed from his minutes, to the contents of Canning's evidence given in Court upon that trial ; that she was met by two men in Moorfields, on Jan.

1753, near Bedlam-wall, who robbed her of a gown, apron, hat, and 13s. 6d. and took her away to Enfield-wash, to the house of Susannah Wells ; where she was robbed by Mary Squires of her stays, at about four o'clock the next morning, and put into a hay-loft, where she continued 28 days, all but a few hours, &c.

*Esther Hopkins* deposed, she lived at South Parrot, in Dorsetshire, that she believed she saw the gipsey woman, her son, and daughter, (who were all three in the court, that each witness might see them as they came to give evidence) at her house on the 29th of December, 1752.

*Alice Farnham* deposed, that she lived at Vineyard's Gap, and that the old woman and her son were at her house, on a Saturday morning, a little before New Christmas, 1752, and believed the daughter was with them, but not quite positive as to her.

*George Squires*, the gipsey's son, deposed, that he, his mother, and sister Lucy, were at South Parrot on the 29th of December, 1752; they went to Litton the next day, and on the 31st to Abbotsbury ; where they staid from the 1st of January to the 9th, on which day they went to Portsham, and from thence to Ridgway, and on the 11th to Dorchester ; from whence they set out, and walked almost all night, and got to another village, and the next day they lay at Morton, in a barn ; and on the day after they lay at Coombe ; after which he could not recollect where he lay, till he came to Basingstoke, where he was directed to lodgings at Old Basing ; then they travelled to Bagshot, and lay there, and after that to Brentford, and from thence to the Seven Sisters, at the Two Brewers, near Tottenham, and from thence to Mother Wells's, at Enfield-wash ; that his business was to tarry there till he could get a debt which was due to him in London, of 7l. 15s. being afraid of going to his own lodgings, where he had goods of his own at Newington Butts, for fear of being arrested ; that he had been there but a week and a day before his mother was taken up and committed.

On his cross-examination he gave a very lame account how he went from Newington to South Parrot,

and named as many counties he went through as towns, and could not name a sign nor an inn that he lay at.

There were four people from Litton deposed, they saw the old woman, her son and daughter there, at the time he had mentioned, and eleven from Abbotisbury, to that of their being there from the 1st of January, 1750, to the 9th of the same, and four to their seeing them at Portsham on the 9th and 10th, one at Fordington on the 11th, one at Chattel on the 12th, three at Martin on the 13th, five at Coombe on the 14th, one at Basingstoke on the 18th, two at Brentford on the 20th, 21st, and 22d, two that they were near the Seven Sisters by Tottenham, on the 23d of January, 1753.

The next person called was Mr. Alderman Chitty, who deposed, from his minutes, taken when Elizabeth Canning was before him at Guildhall, in company with Mr. Lion, Mr. Nash, Mr. Wintlebury, and others; that Elizabeth Canning deposed before him, Jan. 31, 1753, that upon the last New-year's-day, as she was returning from her uncle's at Saltpeter Bank, by the dead wall against Bedlam, in Moorfields, near ten at night, she was met by two men, who robbed her of half a guinea, 3s. and an halfpenny; that they took her gown from off her back, and a straw or chip hat; that she struggled and made a noise, and that one stopped her mouth with something like a handkerchief, and swore, if she made any noise or resistance, they would kill her, and hit her a blow over the head and stunned her, and forced her along Bishopsgate-street, each holding her up under the arms; but did not remember any thing more that passed, and did not come to herself till about half an hour before she came to Enfield-wash, so called, as she had learned since, to Well's house; that there were several persons in the room; it was said she must do as they did, and if so, she should have fine clothes; she said she would not, but would go home, and refused compliance; and then a woman forced her up stairs into a room, and with a case knife which she had in her hand, cut the lace of her stays and took them away, and told her, there was bread and water in the said room, and if

she made any noise, she would come immediately and cut her throat ; then went out and locked the door, and that she never saw her or any of them since, till she made her escape ; the quantity of bread was about a quartern loaf, cut in four, five, or six pieces, and three quarters of a gallon of water, or a little more, in a pitcher, as she supposed, on which, and a penny mince pye she had in her pocket, she subsisted till she got away, which was on the 29th of January, about three or four in the afternoon, and then made the best of her way to London, to her mother's at the bottom of Aldermanbury. She also said she had no stool, only made water all the time ; and that there were in that room an old chair or two, an old table, an old picture over the chimney, two windows in the room, one fastened up with boards, and the other part ditto and glass ; that she made a hole by removing a pane of glass, forced a part open, and got out upon a shed of boards or pent-house, and so slid down and jumped upon the side of a bank, on the backside of the house, and so got into the road, and reached her mother's that night about ten o'clock ; her mother being there, said, she got her some wine and water, but she could not swallow it, and then sent for the apothecary for advice. Her masters, Lion and Wintlebury, gave her a good character ; that she apprehended it was the woman of the house that had done her this injury. He granted her a warrant for the apprehending mother Wells, upon her swearing all this to be truth.

*Gawen Nash* deposed, that he was with Canning before Alderman Chitty ; that there she was asked what sort of a room it was that she was confined in ? she said it was a little square darkish room, that there were boards nailed up at the window, and that through the cracks she could see the Hertford stage-coach, which used to carry her mistress. He likewise deposed, that she said there were an old broken stool or chair, an iron grate in the chimney, and a few old pictures hung over the chimney, and she lay upon boards. He said he was much affected with this melancholy affair, being there during the whole examination. He likewise deposed, that after the warrant was granted, he, Lion her master, Aldridge, and Hague, went down

to mother Wells's, in order to execute the warrant the next morning, which was Feb. 1st, that as they were going down they were met by people, who told them they had seized them all ; that they went on, and when they came to Wells's house they went up into several rooms ; and after that he saw a man there, and asked if there were not other rooms in the house ; that the man shewed him up into a room and went with him ; that when he got into this room, he wondered where the room was that Canning described she had been confined in ; for, says he, this did not in any part answer the description she gave, for it was a very long room ; that he then came down to his companions, and they all went into the room together ; that then somebody said this must be the room ; that he then said, it answered not the description she had given of it, for he said, he observed in the room nearly half a load of hay ; a chest of drawers, four feet by three high, and a tub, in which was some pollard ; three old saddles ; two of which were women's saddles, and a parcel of hay made in the form of a bed ; that over the bed were a jack line and pulleys, and that there was a hole where the jack line had gone through, which was stuffed with hay ; that it was a thin clay and lath wall, which separated that and the kitchen, and that if the hay had been removed one might see very plainly into and across the kitchen into the road ; that there was a little chimney in the room, which seemed a place formed for warming a glue-pot, and that he observed an old dusty picture which seemed to have stood over the chimney for some years ; that there was no grate, nor the appearance of any grate in the chimney ; that he observed the window out of which she said she made her escape ; that within nine or ten feet of that window there was a watering pond ; that the other window of the room never had been boarded up, and that was large enough for him to get out at, and that it was so low that he shook hands with his wife out of it ; that the casement opened and shut extremely easy, and that there were trees grew so very near that they were almost within his reach, and the room was very light, nor saw he any pitcher there ; but after the people were all secured they went

over the way, and were impatient that E. Canning was not come ; that Adamson and another tossed up who should go and meet them. Adamson went, and returned, waving his hat, saying, we are all right, for Bet says there is a little hay in the room : he said, when Canning was brought in and set upon the dresser, the door of that room being open, she might have seen the stairs leading up into the room ; being carried into the parlour where all the people were, she instantly fixed upon Mary Squires ; but he said she could not see Mary Squires's face at that time ; and when Squires's daughter told her mother that she was fixed upon as the person who had robbed Canning, that she then got up and came across the room to Canning, saying, madam, do you say I robbed you ? look at this face, and if you have seen it before you must have remembered that God Almighty never made such another. When Canning told her when it was, she said, Lord, madam, I was 120 miles off at that time ; he asked where she was ? she said, she was at Abbotsbury in Dorsetshire, and that she could bring an hundred people to prove it, who had known her thirty or forty years ; and that all the people declared she had been there but a very little while. He said, after this Canning was carried into several rooms, and at last into the work shop ; when she came there she said, she believed that to be the room. Upon being asked what she remembered it by ? she said, she remembered hay in the room, and that was the hay she lay upon, but there was more ; she took up the jug, saying, it was what she had her water in. Upon her being asked about the saddle and the drawers, she said, she did not remember them (which he says were dusty, and seemed to have been there a great while ;) being asked why she did not get out at the east window ? answered she thought it was fast. He said, when they came into the parlour, Natus's wife declared that she and her husband had lain there for eleven weeks together, and that Mary Squires had been there but a very little time.

Upon this, being asked why he did not give this evidence upon the trial of Mary Squires, he said he was in court part of the trial, and that he was extreme-

ly uneasy in his own mind ; that being butler of the goldsmith's company, and having the charge of a great deal of plate, and thinking, at the same time, that Mary Squires would have been acquitted, he went away and did not come again. He said, he did not think, upon the observations he had made, there could have been sufficient proof to convict her, and when he heard she was convicted, he was extremely affected and uneasy.

Upon his cross-examination he said, that before he left the Old Bailey, Canning had gone through the whole of her evidence, or very near it, and that she had sworn the robbery upon the gipsey ; but he thought within himself Canning had given false evidence, or however it might be a mistake ; that he was not certain whether Judith Natus was in the room the whole time he was there, (meaning at Wells's) neither, could he be certain that she had lain there ten or eleven weeks ; but upon this, he said, he quite dropt his opinion of Canning, though a great friend of her's before.

*John Hague and Edward Aldridge* gave much the same account, they being the persons that went down with him

Hague, upon his cross-examination, was asked whether he was in the hay loft the whole time Canning was there ? he said he was, and Adamson and Scarrot were there at the same time, and tore down the window.

The next witness called was Mr. *White*, the marshal's man, servant to the lord mayor, who gave an account of his going down to apprehend mother Wells for this robbery ; he likewise stated in what manner they were all secured, and also of his going into the hay loft ; that there he saw twelve or fifteen trusses of hay, which he thought had been there a long time ; also a chest of drawers, the barrel of a gun, and an old musket ; that when he looked into the room he was suspicious, and thought Canning was mistaken, because it did not agree with the description she had given ; he said he went and looked at the north window, to see if he could find the marks of anybody's getting out ; that he observed the ground was clay, and there lay a heap of human dung as high as a quart

pot, which did not appear to have been trod upon ; and upon the whole it did not appear to him that any body had got out of that window. He said, that Adamson would have persuaded him that there were some marks in the wall, but he took a particular observation and could see none, neither could he observe any pent-house or shed. He said, when Canning came in he proposed that she should go into the parlour and fix upon Mary Squires, but could not be certain whether Canning saw her face at the time she fixed upon her ; but that Mary Squires declared she never saw her before. And George Squires said, before Canning came, that they were at that very time in Dorsetshire ; that the old woman, George, and Lucy, persisted in it they were all at Abbotsbury this first of January, and the other daughter said she was at her uncle's in the Borough that very Christmas.

The next witness called was *Fortune Natus*, who deposed, that he and his wife lay in that very room, during the time Canning said she was confined there ; that when they came there, there was half a load of hay in it, which room he said was called the workshop ; he said his bed was made of hay and straw, and his bolster a sack of wool ; there was no grate in the room ; that there was a chest of drawers, and two or three side saddles, a man's saddle, a large drawer with some pollard, and a tub with iron hoops ; that there was a barrel or kilderkin, and an old gun and gun barrel, and in the chimney an old lantern, a spit, and a saw with two handles ; a jack and pulleys ; that the pulleys came through a hole at the bed's head, and the hole was near three feet long ; that there was an old sign there, the sign of the Crown, which used to hang at mother Wells's door, and that stood against the wall ; that there were no pictures there, but an old iron casement without glass or lead ; that he lodged in this room twelve weeks excepting three days, and lay there every night excepting one, and that his wife lay there every night. He said, the sign that lay there was bought by one Ezra Whiffen, and that to his observation nothing was taken out of the room while he was there ; that he was there all the month of January, new Christmas, old Christmas, and till they were all taken up.

*Judith Natus*, wife of Fortune Natus, gave much the same account as he had done ; but when she was asked if there was a sign in the room ; she said there was, and it was the sign of the Fountain, but afterwards said there were two signs, and the other was the sign of the Crown.

*Mary Larney*, the next witness, said she kept a chandler's shop at Enfield ; that she knew Fortune Natus and his wife very well, and that they dealt with her for chandlery goods ; that she had seen them go in and out very often at mother Wells's, between Michaelmas and Christmas, 1752, and that they told her they lodged there ; that the first time she saw Mary Squires was on Wednesday the 24th of January, and that upon the Thursday week after that Wednesday they were all taken up ; that the first time she saw Lucy Squires was when she sold her a small loaf of bread, and that she sold her bread, cheese, and small beer, the very day that Mary Squires came to Wells's house, and that Lucy Squires wanted to borrow a pitcher of her ; that she never saw any gipsies at Wells's house before ; and that she would not put the money she had taken of the old woman into her pocket till she had put it into a pail of water.

The next witness, Sarah Howel, said, she was daughter to Mrs. Wells, and that she was there every day during the month of January, but had no acquaintance with Mary Squires, her son, or daughter ; that they came there on a Wednesday, and were taken up the Thursday following. The pitcher being produced, she swore it was the very same as was used in the family ; that Fortune Natus and his wife were there at that time, and that she was there when they were all taken up ; that Fortune Natus and his wife lay in the work-shop above two months ; that there was a considerable quantity of hay in the room, which was to feed her mother's horse, and some pollard was there to feed the sow ; that she could not take upon her to swear that she lay once in the house during the whole month of January, but was in it almost every day during that time. She said, that Virtue Hall went as often in the hay-loft as she did ; that upon the 8th of Jan. Edward Allen, Giles Knight,

and John Larney, lopped the trees which were over against the window, and that Virtue Hall and herself were at the window at that time, that she opened the casement herself at that time, and it opened very easily.

On her cross-examination, being asked, how she came to be at her mother's ? she said she had been a servant, and was out of place, and that she had been at her mother's a year and a half ; that when Canning went into the parlour she pointed to Squires, and fixed upon her as the person that robbed her, but believes this was before she saw her face ; upon which Mary Squires said, for God's sake do not swear my life away ; look in my face, and be sure of what you say : she said that Mary Squires sat with a pipe in her mouth, almost double, and her head leaning on her arm ; that Canning saw Wells before she saw Squires, and did not charge her ; and that she was not at the trial of Squires, because she was not subpoena'd to attend.

The next witnesses called were John Larney, Giles Knight, and Edward Allen, who gave an account of their lopping the trees, January eight, that stood against the window of the room in which Canning said she was confined, and talked to Sarah Howel and Virtue Hall the time they were looking out of the hay-loft.

*John Carter*, the next witness, deposed, he kept a public-house near Wells's house, and saw them lopping the trees, and that they flung clods of dirt at Sarah Howel and Virtue Hall, who stood at the window of that room ; and that Fortune Natus and his wife lodged at Wells's house ; and that he saw Mary Squires there only the morning she was taken up, but he saw her son a week before that time.

*Ezra Whiffen*, the next witness, said, he kept the White Hart and Crown, at Enfield Wash ; he deposed, that he bought that sign of the Crown which was in the hay-loft at mother Wells's house, and that afterwards, on the 18th of January, he bought the old hooks of mother Wells, and went up into the hay-loft to look for them, where he saw Judith Natus in bed ; the irons were in a piece of wood ; that his son car-

ried it home upon his shoulder, knocked out the hooks, and brought it back again.

*Eliz. Long*, daughter to mother Wells, deposed, that she lived but three houses distant from her; that she believed she was there every day in January; that her sister and Virtue Hall lived there, as did Fortune Natus and his wife at the same time; that she had occasion to go into the work-shop several times, and had often seen Judith Natus and her husband in that room, and in bed; she described the chimney to be at the feet of Fortune Natus's bed, and never remembered there was a grate there, but there was a great deal of hay put there for the use of her mother's horse, and the pollard and bran for the use of the sow and pigs; and that in the month of January she took some bran from thence for the same purpose, and is sure nobody lodged in that room all that time, except Fortune Natus and his wife. As to the pitcher, she said 'twas her mother's; and as to the bed-gown she never saw that before; she said, she saw Mary Squires at her mother's on the 24th of January, and that was the first time she saw her; that her son and two daughters came there then, and they were all taken up the first of February.

*John Howel* deposed, he lived at Enfield Wash, and was son to mother Wells, and that he was in the work-shop the 19th, 20th, and 21st, of January, his mother having sent him there on these days to fetch pollard to feed the sow and pigs; and that Fortune Natus and his wife were the only people in that room; that he attended the trial of Squires, but the mob would not suffer him to come in, and that he was forced to go away.

*Robert Byke* deposed, that he was at mother Wells's during New and Old Christmas, that he went there to keep company with Natus and his wife; that he never was in the hay-loft, but was there during the time that Natus and his wife lay there.

*John Donowell*, a carpenter and surveyor, produced a model of the work-shop.

*George Talmarsh*, an attorney, deposed, that he went to see mother Wells in prison, and that she employed him to make out subpoenas for eight people.

Mrs. *Meale* was next called, who deposed she was a midwife, and brought E. Canning into the world; she said she went there on the second or third of February; that she saw the girl to all appearance in a very weak condition, lying on a bed; that as soon as she came in, Canning's mother asked her if she had heard of her misfortune? saying her child came home as naked as ever she was born into the world; what! said she, without a shift on; no, said her mother, she had a shift on: upon which she turned herself about to Canning who lay on a bed, and asked her how it came about? she related it to her: upon this she says, she expressed a great deal of concern, fearing she might have been debauched: that Canning could not tell what had happened to her, because she told her she was insensible in fits; upon this, she asked her mother whether she had the shift her child came home in? the mother produced it; that she examined it, and asked if it had not been washed since her daughter came home? her mother answered no; she said she told her mother it was uncommonly clean to be worn so long; that she looked very narrowly upon it, and told her mother she had not been debauched; and her mother thanked God for it. She went a second time to see her, and on examining the shift again, she told her mother it could not have been worn above a week; and that then she saw three spots of excrement upon it; upon which her mother was extremely angry, and said, do you come here to set her friends against her? She was asked about the girl's character, and she gave her a very good one.

*George Brogden*, clerk to Mr. Fielding, came to prove the information of Canning, which was read; and by that it appears, that she swore that the pitcher of water was consumed upon the Friday before she made her escape on the Monday.

Mr. Deputy *Molineaux* deposed, that he happened to be with the late lord mayor, (after Mary Squires was convicted) when Canning and Virtue Hall were brought there to be examined: and that after the lord mayor had examined Virtue Hall, her answer was, that she had nothing to say at that time; he also said, the pitcher and bed gown were produced; that Canning

took up the gown in order to take it away, as it seemed to him ; his lordship said no, you must not take it away ; that then she said, it is my mother's ; this, he said, surprised him a great deal ; because on the trial of Squires she said, she took it out of the grate in the room where she said she was confined.

On his cross-examination he was asked whether he heard any thing of Virtue Hall's recanting ? he said, he had heard she had recanted.

*Mr. Reed* deposed, he was present at the same time, and remembered it in the same particulars as Mr. Molineaux did ; that at the same time she was rolling up the gown, attempting to take it away, she said it was her mother's.

*Here the counsel for the prosecution rested it.*

*For the prisoner.*

*Edward Lions*, of Aldermanbury deposed, that Elizabeth Canning lived a servant with him, till the time she was missing, Jan. 1, 1753 ; that he had known her 16 years, and gave her an extremely good character ; that she went to see her uncle, (with leave) but he saw no more of her till the 31st of the same month ; that he was with her before Mr. Alderman Chitty ; that being somewhat deaf, he could not take upon him to say all that passed ; that there was a warrant granted, and he and several others went down to mother Wells's house, and the people of the house were secured ; that when Canning was brought there and set upon the dresser, he cautioned her to be very careful, to charge nobody but who she was sure was guilty ; she said that she would be very careful. That the first of the people taken up she saw was mother Wells ; on her seeing her, she said she had done nothing at all to her ; but upon seeing Mary Squires, said, she was the woman who cut her stays off. Being asked, if he believed she saw her face before she challenged her ? he said, yes, and she thought George Squires, after he put on his great coat, extremely like one of the men that robbed her in Moorfields ; he also said, that Mr. Nash at coming home seemed to be very well satisfied at what was done, or at least had

very little or no room to think the contrary ; that Mr. Nash was once at his house afterwards, and at going away said, Mr. Lion, I hope God Almighty will destroy the model by which he made that face, and never make another by it, meaning the gipsey ; and that Mr. Nash sent him the letter which was shewn to Mr. Nash in court on his examination, and which he owned to be his hand-writing, dated Feb. 10, to this purport :

MR. LION,

I am informed by Mr. Aldridge, who has been at Enfield, that if a person was appointed there to receive contributions, some money would be raised in that place, for the poor unhappy girl. I wish you success, and am, your's,

GAWEN NASH.

He likewise stated that Mr. Hague, as they were coming up, said he saw no grate in the chimney, or picture over it ; that he answered, they were moveable things, and might be taken away since ; that they came home all very good friends ; that he never found any doubt in Mr. Nash, Aldridge, and Hague, till after the trial of Squires ; and that he verily believed when he saw Mr. Nash in court on the trial of Mary Squires, that he would then have given his evidence against her.

*Thomas Colley*, Canning's uncle, corroborated the evidence of the last witness.

*Eliz. Canning*, the mother, deposed, that her daughter was nineteen years old, and after stating in what a lamentable condition the girl came home, added, that her daughter said she had heard the name Wills or Wells, mentioned in the house where she had been confined, before any body mentioned such words to her. On her cross-examination she said, she had been to a conjurer in the Old Bailey, to enquire where her daughter was, &c. that he took her money and bid her go home, and she would come again.

*Mary Northan* deposed, that she carried all the advertisements which were in the Daily Advertiser, to the printer, by the directions of Mrs. Canning.

*James Lord*, apprentice to Mrs. Canning, deposed to E. Canning's being missed, the great concern his mistress was in on that account, and that when she

returned his mistress was at prayers for her daughter's return ; that when she came to the door he knew her not at first, nor till she spoke, she was in such a deplorable condition ; that his mistress fell in a fit upon it ; that she had a bit of a handkerchief over her head, and an old jacket on, and that she was a very sober girl.

*Robert Scarrat* deposed, that he, hearing Canning was returned, the night she came home, went to her mother's house ; that he heard her say she had been on the Hertfordshire road, about eight or ten miles from London ; that he said he would lay a guinea to a farthing she had been at the house of mother Wells, and that she said she heard the name of Wills or Wells mentioned while she was in confinement, (which was in a longish darkish room) and saw a coachman whom she knew go by, through a crack of the boards at the window.

Being asked if he had any knowledge of Elizabeth Canning before ? said he never saw her, to his knowledge, before that night ; he said, he had been at mother Wells's house sometimes, when he lived with Mr. Snce, at Edmonton.

*Mary Myers* deposed, that she had known the mother and daughter for many years ; that the daughter was a very sober girl, and always behaved as well as any in England ; that when she returned her mother sent the apprentice for her, and she came ; she found her in a very bad condition, her face and arms being black, which she thought might be occasioned by the cold weather ; that when she kneeled down to talk to her, she answered very low, and she told her she was taken away by two men, &c. and was confined in a room where there was some hay, and a pitcher with about a gallon of water, a fire place, about the value of a quartern loaf, and when she got out she pulled down two boards from a window, tore her ear in getting out, and dropped down, and that she saw her ear covered with blood, which appeared fresh, and had dropped on her shoulder.

*John Wintlebury* deposed, he had known her fourteen or fifteen years, that she lived with him about eighteen months, and behaved exceedingly well ; that

upon hearing she was come home he went that night ; that she said to him, O Lord ! you don't know what I have gone through ; that she was in a very weak and bad condition ; she said, she had been confined on the Hertfordshire road, and had heard the name Wills or Wells mentioned in the house ; that she described a broken pitcher, which held about a gallon of water, in the room, and such a one he found when he went into the room, and that Canning saw part of Squires's face before she fixed upon her, as he believes.

*Mary Woodward* deposed, she was sent for by Mrs. Canning the night her daughter returned, who was in a very deplorable condition ; the first words she said to her were, Mrs. Woodward, I am almost starved to death ; and said she had been confined in a room on the Hertfordshire road ; she said, when she was brought into the house three women took hold of her, and the old woman asked if she would go their way ? she answered, no ; upon which she went to a dresser, took out a knife and ripped the lacing of her stays, and then took hold of her petticoat, looked at it, struck her a slap on the face, and said, D——n ye, you b——h, I will give it you, and immediately turned her up into that place, and swore she would cut her throat if she made any noise ; and she said the old woman was a tall, black, swarthy woman.

*Joseph Addison* deposed, he had known E. Canning ever since she was big enough to walk about ; that the first time he saw her after she came home, was the day they went down to Enfield Wash ; that none of them had horses but Mr. Wintlebury and he ; that he was there before the coach ; and after the people were taken up, he rode back to tell them in the coach not to stop at a place where they had agreed to call ; that he did not tell Canning at that time there was hay in the room, but after he had spoke to the coachman to make haste, he then asked Canning what sort of a place it was that she was confined in ? she said, an odd, and wild sort of a place, that there was some hay, and somewhat else, which he could not remember ; and he then rode on. The same as Mr. Lion had said before.

Mr. *Backler*, an Apothecary in Aldermanbury, deposed, he was applied to by the girl's mother, and went to her Jan. 30th, found her extremely low, and could scarce hear her speak, with cold and clammy sweats, in her bed; complained of being very faint and sick, and of pains in her bowels, and of having been costive the whole time of her confinement; he ordered her a purging medicine, but her stomach was too weak and could not bear it; he then ordered her a clyster that evening, and on the third of February another; the latter had some little effect; he ordered her another on the 5th, that had no effect at all; and she continuing very bad and in great danger, Dr. Eaton, was sent for on the 6th; he prescribed for her fourteen days of diuretics, and gentle cathartic medicines; that she was tolerably well in about a month. When she was at the worst her face was remarkable, her colour quite gone, her arms of a livid colour spotted; and when he heard that she was gone to Enfield Wash, when the people were taken up, he thought her not able to perform the journey, and that it was very improper for her to undertake it, she being very much emaciated and wasted.

Dr. *Eaton* deposed, that he saw her on the 6th of February at her mother's, in a very weak condition, and was very apprehensive she would die; she complained of pain in her bowels, and could hardly keep any thing on her stomach; she took a little chicken broth, and appeared in great distress. Being asked if he saw any signs of her being an impostor? he answered, he did not; he found she was costive to a very high degree, and appeared to him to be in very great danger for seven or eight days, but on the 4th of March she was well enough to go abroad in the neighbourhood. Being asked if there were any symptoms of her being lately under a salivation; he answered, nothing like it, nothing like it, I assure you; but that she appeared as one almost starved.

On his cross-examination he could not undertake to say, her being in that low condition was by loss of appetite, occasioned by a fever or other distemper, or whether it was from being confined from victuals. She told him she had been kept as she before related

on bread and water, and he believed her ; and said, it was plain she had not eat much by the symptoms he observed. Being asked by her counsel, if it was possible for a person to subsist twenty-eight days on what she had mentioned ; he answered no doubt there is a possibility of it.

*Robert Beals*, the turnpike man at Stamford-hill, deposed, that at the beginning of January he was standing by the gate near eleven at night, he heard a sobbing and crying on the road ; it came from Newington way, and drew nearer and nearer, at last he perceived it was two men and a young woman, seemingly by her crying : one said, come along you b---h ; you are drunk ; the other said, how drunk she is ; and made a sort of laugh, but she seemed unwilling to go. One of them got over the stile, and the other laid hold of one of her legs, or both, and lifted them over, so that she came down upright ; she hung back and fell on her breech on the step of the stile, crying bitterly, as though she could go no further ; that he went nearer them, expecting she would speak to him ; but there being two men, and he alone, he did not think it safe to interpose ; that one pulled her and the other jostled her along till they were out of sight, going towards Enfield.

*Thomas Bennet* deposed, that he, living at Enfield, near the ten mile stone, on the 29th of January, 1753, between four and five in the afternoon, between mother Wells's and his own house, saw a miserable poor wretch coming along, without either gown, stays, cap, hat, or apron on, only a dirty thing, like half a handkerchief, over her head, and a piece of something on that reached down just below her waist, with her hands lying together before her ; she asked him the way to London.

*David Dyer* deposed, he lived at Enfield Wash ; that about a quarter of a mile from mother Wells's house, towards London, at four in the afternoon, three evenings before mother Wells and her family were taken up, he saw a poor distracted creature pass by him out of the common field ; he said to her, sweetheart do you want a husband ? she made no answer ; she had a thing tied on her head like a white

handkerchief, walking with her hands before her, very faintly ; she was a shortish woman, with a shortish sort of a shift on ; that he looked at her face as she passed, and said, upon looking on E. Canning, he took her to be the same person.

On his cross-examination he said, she had not an unlikely face, whitely and not black, and her hands looked as other people's did.

*Mary Cobb* deposed, that she lived at Edmonton ; that she met a person in Duck's Fields, in a distressed condition, between the six and seven mile-stones, on the 29th of January, just at the setting in of day-light. She had a handkerchief pinned over her head, which hid part of her face ; she had a black petticoat and an old bed gown ; she had a young face, and walked creepingly along. Upon her being bid to look at E. Canning and see if she knew her ; she said she had never seen her since that time, but firmly believed it was she by the tip of her nose, which she said bore some resemblance to the person she met.

*William Howard* deposed, he lived at Enfield Wash, right over against mother Wells's, had a small fortune of his own, and had a little employment under the government, on which he lived. He said, Edward Aldridge, the silversmith, and a cousin of his of the same name, his neighbour, came to him about two or three days after Squires and Wells were taken up, and brought a printed case of Canning, to recommend a contribution on her behalf ; he looked upon it that he came to him on that very purpose, and had then no apprehension of any dissatisfaction. About six or seven days after he came again, then he asked what he thought of it ? Aldridge made answer, there was one thing he was not quite clear in, and that was the description she had given of the room ; but he said he thought she had been there, and had been very ill used.

Mrs. *Howard* confirmed the testimony of her husband, and added, that the first time she can recollect that she saw Mary Squires, her son and two daughters, she believes to be on the Sunday se'nnight before they were taken up, which was the 21st of January, that they were standing at Wells's door.

*William Headland* deposed, he was at his father's at Enfield, last January was a twelvemonth; and saw Wells and Squires taken up; that he found a piece of window lead all bloody on the ground near the window which the girl said she had got out at, after they were taken up; that he carried it to his mother, who laid it up but it is since lost, and that he saw Mary Squires on Tuesday the 9th of January, under Lomas Deane's, at the Bell at Enfield, brick wall, telling a young man his fortune; that he saw her on the 12th, at Wells's house, and her two daughters were with her, one of them was buckling up her pumps which she had on.

On his cross-examination, he seemed very ignorant as to his reckoning of time, and could not tell which month Christmas was in, but knew it was in winter.

*Elizabeth Headland*, mother to the last witness, deposed, her son brought her a piece of lead that was bloody, after Squires was taken up; she laid it in a table drawer, and it is since lost; he said he found it a little way from Mrs. Wells's window, where the girl said she got out.

*Samuel Story* deposed, he lived at Waltham Abbey, in Essex, on his own fortune (looked at Mary Squires) and said he saw her several times in White Webb's Lane; that the last time he saw her was on the 28th of December, 1752, sitting within the door of Mrs. Wells's house, this was on a fine frosty morning; that he took particular notice of her, and knew her to be the same person he had seen in White Webb's Lane, where he used to ride two or three times a week; that he remembered the 23d of December, by its being a fine frosty morning when he went out; the weather changing, and its raining as he went home, he got cold, and the rheumatism, and St. Anthony's fire followed; that he was not out of his house for nearly two months after that, and is certain both as to the old woman and the day.

*William Smith*, of Enfield, deposed, that on the 14th of December, 1752, Mary Squires (whom he saw in court) lay in his cow-house, and for two nights after; that there were two men and two women with

her ; and she had been about the country near him some time.

*Lomworth Dane* deposed, that he lived at Enfield Wash, (looked at Mary Squires) and says, he is sure he saw her last Old Christmas Day was twelvemonth. He was filling a barrow from a heap of gravel at his door, and stood resting himself, and she went past him at the same time.

*Samuel Arnot* deposed, he lived at White Webb's Lane, on Enfield-chase ; that on Monday morning, the 9th or 10th of December, 1752, which he said was before New Christmas, Mary Squires enquired of him for a little brown horse she had lost ; that she told him her name was Squires ; that he saw her the Sunday following ; that a man, two women, and two children were with her ; that the children seemed to be about four or five years old ; that he never saw her afterwards till he saw her in Newgate, and believes she is the very same person that lay at Farmer Smith's.

*Eliz. Arnot*, wife to the last witness, deposed, that she saw Mary Squires about a week before New Christmas, which was the first time she had seen her ; that afterwards she saw her in Farmer Smith's Cow-house ; that she came out and asked her about a little horse ; that there were several more along with her, that afterwards she saw her in Newgate, after the trial, and belieyes she is the same person.

*Sarah Starr* deposed, that her husband is a farmer ; that she knew Mary Squires, who came to her house, next door to Mrs. Wells's, on the 18th or 19th of January was twelvemonth, but never saw her before ; that first of all she offered to mend china or delf ware for her ; then she came and desired to buy pickled pork and brown bread ; that she gave her some chitterlins that lay on the table, in order to get rid of her ; believed she saw her in the whole about three quarters of an hour ; that she would have told her's, and her maid's fortune, but they were afraid of her ; she said she was terribly scared, having never seen such a person before.

*Daniel Vass* deposed, that he lived at Turkey-street, in Enfield ; that on Old Christmas Day, the 5th of January, he saw her go by his door, as he was in his

own yard ; that he saw nobody with her, except she had somebody under her cloak ; that he saw her afterwards in Newgate, and is sure she is the same person, though not in the same clothes ; that when he saw her first, she had an old white beaver hat, a brick-coloured gown, and a red cloak ; the reason he gave for its being that day was, that his master did not chuse he should work on that day, because it was Old Christmas ; that he never saw her before or since ; that she did not stop at his house above a minute, and that he knew her again at Newgate.

*Jane Dadwell*, of Enfield Wash, deposed that she kept a chandler's-shop there ; that the first time she saw her was on the 28th of December, in New Christmas week ; that she came to her shop, and that Mary Squires the daughter, had been there several times before ; that the reason of her remembering the day was, she had dressed meat to give to her customers ; that after she was gone, some of her neighbours came in, and asked who she was ? that she never saw her afterwards, till she saw her in Newgate ; that there she owned to her she had been at her house ; that Mary Squires did not tell her where she lived, and that she had then no company with her.

*Tobias Kelly*, of Enfield, deposed that he knew Mary Squires ; that he remembered seeing her something better than three weeks in January ; that he did not know the day of the month, nor was he sure he ever saw her before ; that he thinks the time rather before Old Christmas-day ; that it was near a month before she was taken up ; that she passed by him, and he never saw her before or afterwards ; and after that says he saw her three or four times ; and that she asked him for a pipe of tobacco, and would have told him his fortune, that she did tell John Rowley his fortune, and told him he had an enemy, and asked for 3d. he gave her three halfpence ; that he saw nobody with her at any time.

*John Frame*, of Enfield, deposed that he saw her there the 11th or 12th of January was a twelve-month ; that he was out in the gardens, and she spoke to him through the palisadoes ; that he only gave her a halfpenny ; and that she told him a

very good fortune ; that he never saw her before, but several times since, and in Newgate ; that when he saw her at Enfield, she was by herself, and had a reddish gown on, and a light coloured cloak.

*Joseph Gold*, of Enfield, labourer, deposed that he knew Mary Squires, and saw her upon the 8th or 9th of January, about a quarter of a mile from Wells's house ; that he took particular notice of her, hearing mother Wells had some gipsies in her house ; that he saw her eight or nine days before she was taken up ; and before he saw her, Virtue Hall had told him there were gipsies in mother Wells's house ; that he cannot tell what her dress was ; and that she had nobody with her.

*Mary Gold*, wife of the last witness, deposed that she saw her on the 11th or 12th of January, and asked her if she had any china to mend, and told her she should not live long, which very much surprised her ; that she saw her afterwards in Newgate, and is the same person ; that she never saw her before that time ; that she had the same dress, a yellowish sort of gown, as she had on in Newgate.

*Humphry Holding*, a gardener, deposed that he knew Mary Squires ; that the first time he saw her was on the 18th of January, 1753 ; that she asked him if the family was at home ? that he had no more conversation with her, but on the Thursday afterwards he saw her, as he was pruning vines for Dr. Harrington ; that she asked if there was any china to mend ; that he saw her go to the door, and heard somebody say, no ; that the next time he saw her was in the cart, going to justice Tyshmaker's ; she had on a darkish yellow gown, and a red cloak ; that she did not appear to him to be a very able strong woman ; and that he has seen her since in Newgate.

*Sarah Vass*, of Enfield, deposed that she saw Squires there, and that she wanted to tell her her fortune, which she refused ; that she came into her house the day before she was taken up, as she was drinking tea ; that she asked for a pipe of tobacco, and she gave her one ; that then she asked her for a dish of tea, and she gave her two ; that then she offered to tell her her fortune, and that she had con-

versation with her about a quarter of an hour ; after that she saw her in Newgate, and she is the same.

*Anne Johnson*, of Enfield, where she said she had lived 27 years, deposed that she got her living by spinning, and was positive she saw Mary Squires at her door the 18th of January. The reason she gave for knowing the time was, that she spun for one Mr. Smitharam, and carried home her work two days before the 18th of January ; that on the said day Mary Squires asked her for some china, or delf ware to mend, and also for some victuals, but she gave her none ; that she was then alone ; that she saw her three times within the space of ten or eleven days ; that she went to see her in Newgate after the trial, and there knew her to be the same person ; that she had two cloaks on when she saw her, and a gown of a very particular colour.

*Thomas Smitharam* was then called for the prosecution. He deposed that the work Anne Johnson swore she brought home on the 16th, was not brought home till the 23d, which he had set down, and produced the book wherein it was entered ; this was a book in which he set down the going out of the wool, and the day it was brought home spun.

*Grace Kirby* deposed that a little after Christmas was twelvemonths, Squires came to her door. She said she remembered it, because she had been but a very little time in her house.

*Wise*, the wife of *John Basset*, deposed that she lived at Enfield, and was a mantua-maker ; that she knew Mary Squires very well, and saw her either the 21st or 22d of December ; that she saw her on a Monday, and gave her a penny to tell her fortune ; that she gave her a dish of tea, and never saw her afterwards till in newgate ; that she there told her the time she had seen her, and that Squires said, you might see me, but that was not the right time.

*John Pratt*, of Chertson, near Enfield, deposed that the first time he saw Squires was at farmer Smith's cow-house, and that she asked him leave to go in there ; that she went in, and having continued there three days, left it on a Sunday, but he could not tell the day of the month ; that there were in the com-

pany men, women, and children ; that Mary Squires complained of having lost her horse, and said there was a clog upon him with her name on it ; that she afterwards charged him with stealing that horse ; said he was sure she is the same woman that lodged in his master's cow-house, for that he saw her in newgate.

*Margaret Richardson*, of Enfield Wash, deposed that she lived there last January was twelvemonths, hat she saw Mary Squires in a shop at Enfield, and looking at her said, I am sure she is the very same person ; I saw her there about a quarter of an hour ; that she saw her also on Old Christmas-day, and that there was a dog belonging to the family which was fierce, and would have tore Squires, if her husband had not come by and prevented it.

*Elizabeth Sherrard* deposed she lived at Ponders-end ; that she saw Mary Squires on Wednesday, Thursday, Friday, and Saturday before Christmas ; that Mrs. Wells told her she had got a new lodger, and asked her to come to her house ; but she could not tell whether it was New Christmas, or what day of the week, or whether it was Winter or Summer, but yet she went to church on Christmas-day. Upon farther recollection, she said it was on a Monday or Tuesday. She said Mrs. Wells was very civil to her, and gave her a penny for her Christmas-box.

*John Ward* deposed that he knew Wells some years before ; that having seen her name in the newspapers before the trial of Mary Squires, he went to see her in bridewell ; that after some conversation, he said to her, how could you keep the girl a fortnight ? and she answered, she was there 28 days ; and when he asked in what room ? she said, you know the room well enough.

*Nathaniel Gramphorn* deposed that he lived at Waltham Cross seven years ago, and knew Judith Natus ; that on the 21st of April last she came to his house, when he asked her, if she knew Canning was at Mother Wells's, how she could go against her ? she said, indeed Mr. Gramphorn, I cannot say but she really was there when we were there.

*Daniel Stevens* deposed that he knew Mrs. Wells, and saw Squires in New Prison ; that there she owned

she had been at mother Wells's house, but never cut off the stays or robbed the girl ; and that Canning was at Wells's a fortnight, and that she was there likewise.

*Joseph Haines, Daniel Chapman, and Thomas Green*, who all lived at Ware, and knew Fortune Natus and his wife, said they had a bad character, and that neither of them was to be believed upon oath.

*William Metcalf*, a glazier, painter, and plumber, at Enfield, deposed that he carried Whiffen's sign home the 8th of January, old style ; that Whiffen told him he had bespoke some sign-irons of a blacksmith ; and that he saw him about ten days or a fortnight after ; and they were not made ; that he then directed him to mother Wells's for the irons which did formerly belong to the sign. He produced his book to prove what he had done to the sign.

*Mr. Marshal* deposed that he had known E. Canning ever since she could go alone, having lived so long in the neighbourhood, and said she always bore a very good character.

The counsel for the prosecution said, he was to tell the jury from the prosecutor, that he had nothing against her exclusive of that fact. Guilty. Transportation.

Accordingly she was transported (at the request of her friends) to New England, and carried with her (it is said) some hundred pounds, which the warm espousers of her cause had collected for her, in compassion to her hardships and sufferings.

#### JAMES STEWART, OF AUCHARN, IN SCOTLAND, FOR MURDER.

THE prisoner was natural brother to Mr. Stewart of Ardshiel, whose estate was forfeited on account of his being engaged in the rebellion of 1745. He was brought to trial before the Circuit Court of Justiciary at Inverary, upon the 21st of September, 1753, for the murder of Colin Campbell of Glenure, factor, appointed by the Barons of Exchequer upon the forfeited estate of Ardshiel. The murder was perpetrated upon

Thursday the 14th of May preceding. Mr. Stewart was apprehended upon Saturday the 16th, committed prisoner to Fort-William, and kept there till the day of his trial, in such rigorous confinement, that his friends, his wife and children, his agents, and counsel, were for the most part denied access to him. In the precognition that was taken concerning Glenure's murder, the prisoner's wife and children, contrary to the dictates of humanity, and rules of law, were repeatedly examined, upon oath, on every circumstance relative to the murder alleged to have been perpetrated by their husband and father, and their depositions were adduced in evidence against him when he stood trial for his life. Archibald Duke of Argyle, Lord Justice General, with the Lords Elchies and Kilkerran, sat as Judges: and in this case alone did a Lord Justice General, and a Lord Advocate, ever make their appearance at a circuit.

The indictment, which is very long, was raised at the instance of Mr. Grant of Prestongrange, his Majesty's Advocate, and of the widow and children of the deceased. Both the prisoner and Allan Breck Stewart were charged in it as guilty of the murder; Allan Breck as the actual murderer, and the prisoner as being *art* and *part*, or an accomplice. The former not appearing, sentence of outlawry was pronounced against him; the trial went on against the latter.—The indictment endeavoured, by a very long chain of circumstances, to fix down the guilt upon the prisoner. It first set forth his having conceived a resentment against the deceased on account of his having, in quality of factor upon the forfeited estate of Ardshiel, turned the prisoner and other tenants out of their possessions: that the prisoner, in repeated expressions, threatened vengeance against the deceased: that he conspired to murder him; and instigated Allan Breck Stewart, a man of desperate fortune, to this bloody enterprise; that Allan Breck did accordingly waylay the deceased, and murder him in the wood of Lettermore, in the afternoon of Thursday the 14th of May last, by shooting him through the body, so that he died upon the spot: that Allan Breck immediately absconded; and that the prisoner applied to his friends,

and procured a little money, which he sent to Allan Breck at a place appointed, to enable him to make his escape.

The trial began by long pleadings upon the *relevancy of the indictment*, i. e. whether, upon such indictment, the prisoner could be brought to trial for life. These pleadings, on the part of the prisoner, were extremely ill-judged; for the only objection which they urged to the procedure of the trial, which in the least consisted with law or common sense, was, that Allan Breck Stewart, the alleged actual murderer, ought to be tried and convicted ere the prisoner could be tried as his accomplice. And the pleadings were attended with this bad consequence, that they afforded an opportunity to the counsel for the prosecutor to prejudge the jury, by dressing up a tale of guilt; by making an artificial arrangement of circumstances tending to criminate the prisoner, which, without such artful display, could not have impressed a conviction of his guilt upon simple and impartial men; so that in a country where the minds of men were exasperated against each other by political resentments, family feuds, and a long train of mutual injuries, the jury might naturally confound the declamations of a lawyer with the testimonies of a witness.

The harangues of the prosecutor's counsel were indeed remarkably violent and inflammatory. One of them after expatiating on the danger to individuals, if the crime of assassination was to go unpunished, proceeded thus: "But what I hope, my Lord, we all hold of greater importance than the safety of individuals; the interest, the honour, of this country is very nearly concerned, not to suffer the most daring and bare-faced insult to be offered to his Majesty's authority and government; and offered at a time when we, in common with his Majesty's other subjects, are reaping the fruits of his most benign reign. I say, my Lord, our interest, our honour, is concerned, not to suffer this, without endeavouring to wipe off the stain from the country, to shew the King, and shew the world, that this is the bloody deed of one or two wicked and desperate men; a deed which the coun-

try abhors, and which it will not suffer to go unpunished."

A counsel who followed upon the same side, spoke out yet more explicitly the motives to this prosecution. He spoke of the prisoner's character in these words ; " I will not say that his character in private life concurs against him ; I have no authority from my employers to assert it ; nor will I assert what is not supported by evidence : but I must say, that his family and connexions, his character and conduct in public life, are so many circumstances forming a presumption, almost equal to a proof, in support of the charge brought against him : these are the most powerful adversaries he has to struggle with, and from them that general opinion of his guilt has taken its rise."

The argument on the relevancy being finished, the court pronounced the only interlocutor which I apprehend they could do according to law : " Repel the objections to the libel, and find the libel relevant to infer the pains of law : that, time and place libelled, the deceased Colin Campbell, of Glenure, was murdered, and that the pannel, James Stewart, was guilty actor, or art and part thereof ; but allow the pannel to prove all facts and circumstances that may tend to exculpate him ; and remit the pannel, with the libel, as found relevant, to the knowledge of an assize."

#### THE PROOF.

*Mungo Campbell*, writer in Edinburgh, deposed that he set out from Edinburgh on the 7th of May last, in company with the deceased, Mr. Campbell, of Glenure, to assist him in ejecting some of the tenants upon the forfeited estates of Ardshiel and Lochiel, over which the deceased was factor ; which tenants, it was apprehended, would not remove till legally ejected ; that they went to Fort William ; and, in their return, they arrived on Thursday the 14th of May, at the ferry of Ballachelish, proposing next day to eject some of the tenants of Ardsheil. The deceased, after waiting about an hour, and communing with some of the tenants, crossed the ferry between four and five in the

afternoon. Glenure and the deponent entered the wood of Lettermore, and coming to a part where the wood was pretty thick upon both sides, so that the murderer could have easily concealed himself in the bushes, and where the road was so rough and narrow that they could not ride conveniently two horses abreast, the deponent went foremost, and might have been about twice the length of the court room before the deceased, when he heard a shot behind him, and heard Glenure repeatedly cry out, "Oh ! I am dead." The deponent immediately returned to Glenure, alighted from his horse, and also took the deceased off his horse ; then run up the hill from the road to see who had shot him. He saw, at some distance, a man with a short dark-coloured coat, and a gun in his hand, going away from him ; and there was so great a distance between them that the deponent thinks he could not have known him although he had seen his face. As the deponent came nearer he mended his pace, and disappeared by high grounds being interjected between them. After Glenure was taken from his horse, he leaned a while upon the deponent's shoulder, endeavoured to open his breast to see where the bullets with which he was shot came out of his body, and was not able ; but there were two holes in his waistcoat, over the belly, where the bullets had come out. After continuing upwards of half an hour in agonies, Glenure expired. Deposed, that there are places in the wood so situated that a person standing there might see most part of the road from the ferry to the wood, and even part of the road from the ferry to Fort William, some of which places are not a musket-shot from the place where Glenure was murdered.

*John Mackenzie*, servant to Glenure, deposed that on the 14th of May last, when he was riding about a gun shot behind his master in the wood of Lettermore, he heard a shot, which he took to be the report of a musket. It neither alarmed him nor did he know whence it came ; but, when he came up he saw the preceding witness wringing his hands, and his master lying on the ground with a great deal of blood about him, just breathing, and not able to speak. The deponent was desired by the preceding witness to

go in quest of Mr. Campbell, of Ballieveolan, and his sons, to inform them of what had happened, and entreat them to come immediately to the spot where the deceased lay. He was directed by a neighbouring tenant to go to the house of James Stewart, the prisoner, in expectation that he would learn from him where Ballieveolan was. The prisoner seeing the deponent weeping inquired what the matter was ? the deponent told him his master was killed ; upon which the prisoner asked him by whom, and how it was done ? to which he answered, he did not know by whom, and believed it to be by a shot from a gun or pistol. The prisoner wrung his hands, and expressed great concern at what had happened, as it might bring innocent people to trouble, which he prayed might not be the case. Deposed, that when his master and he were about three miles on their way, coming from Fort William, the day of the murder, they met John Beg MacColl, a servant of the prisoner's, going there, and that MacColl had performed his journey and returned to the ferry of Ballachelish about the same time with the deponent, his master and he having stopped about an hour and a half, or two hours on the road : that MacColl was impatient to be ferried over, and did cross the ferry about half an hour before Glenure.

*Donald Kennedy*, sheriff's-officer, deposed, that when Glenure and his company were at the ferry of Ballachelish, the deponent saw John MacColl, the prisoner's servant, who seemed to be in a hurry to cross the ferry. Glenure said to him, "Sir, you travel better than I do." To which he answered, "I am in haste ;" and so went over the ferry about an hour before Glenure crossed it. The deponent, who was in company with Glenure, for the purpose of executing the warrant of ejectment, crossed the ferry along with him, and went on before. When he had got about half a mile into the wood of Lettermore, he heard a shot, which he did not regard, till hearing Mungo Campbell make a great noise like one weeping, he returned, and Mungo said to him, the villain has killed my dear uncle ; adding, that he had only seen one man ; and that he, the deponent, asked no questions, being in confusion and dreading the same fate himself. Deposed that,

some time after, when the people were gathered about the corpse, John Maccoll was among them.

*John Roy Livingstone* deposed, that on Thursday the 14th of May last, he saw Allan Breck Stewart in Ballachelish, in the forenoon, dressed in a dun colour'd great coat. In the evening he saw John Maccoll, the prisoner's servant, travelling at a good rate from the ferry of Ballachelish to his master's house. The deponent joined him, asked him where he had been? and got for answer, at Maryburgh (the village of Fort William) for Charles Stewart, notary public. Maccoll further told him that Glenure was to be that night at Kintalline. About two hours after the deponent, who was then in the wood of Lettermore, heard a shot, and on going up found that Glenure was murdered.

*Duncan Campbell*, change-keeper, at Annat, deposed that one day in April last, when Allan Breck Stewart was in his house, Allan said, that he hated all of the name of Campbell; and bid the deponent, if he had any respect for his friends, tell them, that if they offered to turn out the possessors of Ardsheil's estate, he would make black cocks of them; which the deponent understood to mean that he would shoot them. Allan Breck said, that he had another quarrel with Glenure besides his turning the people of Ardsheil out of their possessions, viz. his writing to Colonel Crawford, informing him that Allan Breck was come from France, but that he was too cunning for Glenure; for that when at Edinburgh he had made up his peace with General Churchill, and got a pass. Deposed that Allan Breck said twenty times he would be up-sides with Glenure, and wanted nothing more than to meet him in a convenient place; that Allan Breck was not drunk, for he could walk and talk as well as any man; but it could easily be observed he had been drinking.

*Robert Stewart* deposed, that some time in April last, he was in company with Allan Breck and the preceding witness. Allan complained much of Glenure's and Mr. Cambell, of Ballieveolan's, conduct towards him, and particularly of Glenure's sending notice to Fort William of his being in the country, so

that he might be apprehended : but he would be up-sides with him : and take an opportunity to dispatch either him or Ballieveolan before leaving the country. Allan Breck was much in drink when he uttered these expressions.

*Malcolm Bane Maccoll*, change-keeper at Portnacrosh, deposed, that in April last, Allan Breck Stewart, and John Stewart, in Auchnacoan, sat up all night in his house drinking. Next morning John MacColl, servant to the deponent, came into the room in a shabby condition. Allan Breck asked who he was ? John Stewart answered, an honest poor man with a numerous family of children; and it would be great charity in any body to assist him : upon this Allan Breck desired John Stewart to give him a stone of meal and he would pay for it. He then gave MacColl a dram, and said, " If he would fetch him the red fox's skin, he would give him what was much better ;" to which the said John MacColl answered, " that he was no sportsman, and that he was much better skilled in ploughing or delving." The deponent took little notice of these expressions at the time ; but after hearing of Glenure's murder, he believed that Allan Breck meant Glenure, as he was commonly called Colin Roy, i. e. Red Colin.

*John Stewart*, of Fasnacloich, deposed that he told Allan Breck that Glenure was come from Edinburgh to remove the tenants : to which Allan Breck answered, if he had a warrant there was no more to be said ; but, if he had not a warrant, he would not be allowed to remove them.

*John Stewart*, son to the preceding witness, deposed that Allan Breck, after a visit of three days at his father's house, left it on the morning of Monday the 11th of May. He was then dressed in a long blue coat, red waistcoat, and black breeches, and had a feather in his hat ; but when the deponent met him next day at Ballachelish, he was dressed in a black short coat, with round white buttons, with a dark great coat over it ; and he had on trowsers and a blue bonnet. The deponent observed to Allan, that he had changed his dress, who answered, he did it because the day was warm.—John Stewart, younger of Bal-

lachelish, swore that he saw Allan Breck at the deponent's father's house on Tuesday, the 12th of May last, and heard him ask questions about Glenure's travelling to Lochabar.

*Catherine MacColl*, servant to the prisoner, deposed, that on the afternoon of Monday, the 11th of May, Allan Breck Stewart came to the prisoner's house dressed in a long blue coat, red waistcoat, and black breeches; but the prisoner was from home, having gone to Keels, to meet Mr. Campbell of Airds, and it was late at night before he returned: the family waited supper for him; and he supped in company with the said Allan Breck, a daughter and a nephew of the laird of Fasnaclloich, and the prisoner's own family. Allan Breck did not lie all night in the house, but in a barn; and next morning left her master's house. Allan Breck, when he left the house, had on a dun-coloured great coat. On the evening of Friday, the 15th of May, she saw Mrs. Stewart, the prisoner's wife, put into a sack, a long blue coat, and a red waistcoat, which she took to be Allan Breck's clothes, and was desired by her to hide them without the house, which was done accordingly. On Saturday evening her mistress desired her to go for what she had hid, and leave it at the back of the brewhouse; she did this also, and has not seen the clothes since.

*Archibald Cameron*, deposed that on Monday, the 11th of May, he came to the house of the prisoner, who was not then at home, but arrived before night-fall. Allan Breck came there a little after the deponent. The prisoner and his family, Allan Breck, and the deponent, sat in one room and supped together: and he did not observe Allan Breck and the prisoner speak in private that night. The deponent and Allan Stewart, a son of the prisoner's, lay in one bed, and Allan Breck and Charles Stewart, also a son of the prisoner's, lay in another bed in the same barn. They all went to bed much about one time, and rose together next morning; and the deponent did not see the prisoner about the house.

*Alexander Stewart*, of Ballachelish, deposed that Allan Breck came to his house in the afternoon of Wednesday, the 13th of May, and staid with him till

next day between eleven and twelve o'clock, when he went a fishing in a neighbouring rivulet, and did not take leave of the deponent, since which time he has not seen him. As the murder happened that night, and as Allan Breck did not return to the deponent's house, he next morning, really thought that Allan Breck Stewart might be the actor in this murder. Allan Breck was dressed in a great coat, and under it a short black coat with white buttons.

*Donald Stewart*, in Ballachelish, deposed that on Friday, the 15th of May, he met the prisoner, and, upon expressing his regret at Glenure's murder, the prisoner joined with him; and added, that one serjeant More, who, to the deponent's knowledge, had not been in the country these ten years, had threatened harm to Glenure in France. On the preceding evening the deponent received a message, that a person at a little distance from the house wished to see him. He went, and found it to be Allan Breck Stewart, dressed in a great coat, and a dark short coat under it, with white metal buttons. The deponent challenged him with being guilty of the murder; he said he had no concern in it, but believed he should be suspected; and on this account, and being a deserter, it was necessary for him to leave the kingdom: and therefore, as he was very scarce of money, he requested the deponent to go to the prisoner, and acquaint him, that he, Allan Breck, was gone to Koalismacoan, and desired him, if possible, to send him money there. The deponent promised to deliver the message, and did deliver it to the prisoner, who, without saying whether he was to send the money or not, asked why Allan Breck himself did not come for money if he wanted it? to which the deponent answered, that Allan told him he would be suspected of the murder, and was a deserter. The prisoner replied he hoped in God Allan Breck was not guilty of the murder. On the Sunday after, the deponent met Alexander Bane Stewart, packman, who told him he had been at the prisoner's house of Aucharn, and had got either three or five guineas, to be left with John Breck MacColl, in Coalisnacoan, for Allan Breck's use if he called there.

*John Macdonald*. of Glenco, deposed, that on

Friday, the 15th of May, Allan Breck came to the deponent's house between three and four in the morning, when the family were all in bed, knocked at the window, and did not stay above a quarter of an hour, and gave him the first notice of Glenure's being murdered, the evening before, in the wood of Lettermore. Allan Breck said he was going to leave the country, and had come to bid him farewell.

*Mary Macdonald* deposed that on Sunday, the 17th of May, a little before sun-set, she saw Allan Breck sitting in the wood of Koalishacoan. On her approach he started to his feet; the common salutation passed between them; but she was alarmed at meeting a man in a place so remote.

*Allan Beg Cameron* deposed that about the 18th of May last, Allan Breck Stewart, his nephew, having come to his house, the deponent said, he supposed Allan would be suspected of the murder, who answered, he thought so too! The deponent pressing him earnestly to 'make a clean breast,' he declared he had never seen Glenure dead or alive. The deponent repeated his instances with him to tell what he knew of the murder, till at last he became angry. Allan Breck added, that his only fear was to be apprehended by the military, which might prove fatal to him, as he had been a deserter; and that Glenure's friends were at present in such a rage and fury, that he was very sure, were he apprehended, he would be hanged.

*Alexander Stewart*, of Innerhayle, deposed that the prisoner was many years tenant to his brother, the laird of Ardsheil, upon the farm of Glenduror: that he was removed from his possession by Glenure, factor upon this forfeited estate, and the lands given to Mr. Campbell of Ballieveolan. The deponent being a near neighbour of the prisoner's, had frequent opportunities of conversing with him on the subject of his removal. The prisoner seemed dissatisfied with it; adding, however, that he did not think Glenure would have removed him, if Mr. Campbell of Ballieveolin had not sought these lands from him. Deposed, that the chief regret which the prisoner expressed for being turned out of his farm, was, that the children of

of the family of Ardsheil would thereby be deprived of the gratuity he was wont to transmit them. Deposed that the prisoner removed voluntarily from the farm of Glenduror, without process at law.

*Donald Campbell*, of Airds, deposed that he was employed by Glenure as his sub-factor upon the estate of Ardsheil. The prisoner told the deponent, that whatever was made of these rents over what was paid into the Exchequer, was accounted for to the children of Ardsheil; and, when the prisoner removed from the farm of Glenduror, he said to the deponent, he had reason to believe the excrescence of the rents of that farm would still be accounted for to them; and, in that case, he should be easy as to his own removal.

*Charles Stewart*, writer and notary, deposed that the prisoner wrote him a letter, desiring him to go along with the tenants of Ardsheil, and intimate to Glenure a sist which had been obtained upon a bill of suspension against their removing. The deponent accordingly went to Aucharn that night; and next day, which was the first of May, he went along with the tenants to Glenure's house, intimated the sist, and took a protest. The prisoner did not go along with him. On the 14th of May he got a second letter from the prisoner, desiring him to attend next day at the ejection of the tenants, but he declined going, because he did not choose to disoblige Glenure. When the deponent was at Aucharn on the first of May, he saw Allan Breck Stewart there, who was dressed in a short black Highland coat, with white buttons and trowsers. He then heard Allan Breck say, that he thought it hard in Glenure to remove the tenants of Ardsheil, when he did not remove those of Mamore.

*John M'Corquodale*, in Ballachelish, deposed that on the last night of December, he was present at Kintalline, when Glenure, the prisoner, and some other company, met together: high words passed between them; and it being apprehended a quarrel would ensue, the deponent and some others took the prisoner out of the room. The prisoner was disengaged at being separated from Glenure, as he expect-

ed he would have gone home with him that night to the prisoner's house ; and said, if nobody had interfered, Glenure and he would have been good friends before they parted.

*Alexander Campbell*, in Teynaluib, deposed that in the end of April, the prisoner stopped at his house to get his horse fed. He called for a dram ; and one Maclaren, a merchant in Stirling, asked the prisoner to help the deponent to a dram ; to which the prisoner answered, ' he did not know any thing he would help the deponent, or any of his name to, if it was not to the gibbet.' The deponent replied, saying, it seems if any of the Campbells were at the gallows, the prisoner would draw down their feet ; to which the latter rejoined, ' those of some of them he would, and of some of them he would not.' The deponent then said, he supposed Glenure was the man of the name with whom the prisoner had the greatest quarrel, but he had no good cause for it ; to which the prisoner answered, if Glenure had used the deponent as ill as him, by turning the deponent out of his possession, he would have had no less quarrel with Glenure than the prisoner had. Being interrogated for the prisoner, deposed that the prisoner was perfectly sober, and the deponent thought these expressions proceeded from malice.

*Colin Maclaren*, merchant in Stirling, deposed that, upon his desiring the prisoner to help their landlord, the preceding witness, to a dram, the prisoner said he did not think he would help the landlord, or any of his name, to any thing but the gallows. The landlord then said, That it seemed if they were on the gibbet the pannel would draw down their feet ; and he supposed it was on Glenure's account ; to this the prisoner answered, he could not say but it was ; upon which an altercation took place between the preceding witness and the prisoner concerning the justice of the latter's being removed from his farm. The deponent and the prisoner rode on together from the house of the preceding witness ; the conversation was renewed, the prisoner seeming to have much at heart the removal from his possessions. He said, he did not know what business either the Barons of

Exchequer, or factors upon the forfeited estates, had to turn out tenants while they paid their rent : that he was going to Edinburgh to apply for a bill of suspension against the removing ; if he failed in his suspension, he would carry it to the British Parliament ; and if he failed there—(after a little pause, and with an emphasis)—‘ he behoved to take the only other remedy that remained.’ Being interrogated for the prisoner, deposed that, when the conversation began in the house of the preceding witness, he thought the prisoner in jest ; but it was like to turn out very serious, as the prisoner and the landlord came to high words. The witness did not think the prisoner drunk while in the preceding witness’s house, but some drams were drunk upon the road, and the deponent thought the prisoner much the worse for drink when he used the above expressions about the British Parliament, and the only other remedy.—Deposed, that the conversation turning upon an officer who was broke for cowardice, the deponent said it surprised him much, for he knew that this officer accepted of a challenge to fight from Glenure. The prisoner said, he esteemed that officer a better man than Glenure ; one Murray who was in company, having contradicted the officer’s being so good a man as Glenure, the prisoner said ‘ he knew the contrary ; for that he himself had given Glenure a challenge to fight him, which Glenure declined ;’ and he desired Mr. Murray to tell Glenure, ‘ he would fight him when he would ;’ but Mr. Murray declined to carry such a message.

*Ewan Murray*, vintner, deposed that the prisoner and Mr. Maclaren, the preceding witness, having stopped at his house, the conversation turned upon an officer of the army who was branded with cowardice, and the prisoner said, Glenure was as great a coward as that officer, for the prisoner had challenged him to fight, which Glenure declined ; and he desired deponent to tell Glenure so ; but the witness said he would not carry any such message from one gentleman to another.—At that time he thought the prisoner the worse for drink.

*John Moore MacColl*, late servant to the prisoner,

deposed that about Christmas last, as the deponent and other servants of the prisoner's were distilling some whiskey in their master's brewhouse, after some previous conversation concerning Glenure, the prisoner said, the tenants, or commoners, were likely to be very ill off; for, if Glenure went on in the way he then did, it was likely he would be laird of Appin in a very short time; and that he (the deponent) knew once a set of commoners in Appin, who would not allow Glenure to go on at such a rate; to which the deponent and the rest answered, that they knew no commoners in the country that could strive or contend with Glenure. Deposed, that on the day the prisoner went last for Edinburgh, Allan Breck Stewart said to the deponent and Dugald MacColl, that if they, the commoners, were worth themselves, they could keep out Glenure, and hinder him from oppressing the tenants, in which case they would not be banished from their natural possessions. Allan Breck added, that he had it in his power to save or protect any body that would put Glenure from trampling upon the country in the manner he then did.

*Dugald MacColl*, servant to the prisoner, deposed that one morning last winter, when the deponent and other servants were in the prisoner's brewhouse, he said to them, that Glenure was like to hurt him, the prisoner, as much as in his power; but that was not the worst of it; for, if Glenure proceeded in his present style, it was probable he would be laird of Appin in five years; the deponent and the other servants said it was so; upon which the prisoner observed, that was the fault of the commoners; and added, that he once knew commoners in Appin who would not allow Glenure to go on at such a rate. Deposed that, on the last night of December, Glenure, Mr. Campbell of Ballieveolan, the prisoner, his uncle James Stewart in Ardnamurchan, and John Stewart, younger of Ballachielish, were in company together in a public house at Kintalline; the deponent by desire of his mistress, went there to attend his master home. The company continued drinking till it was late at night: they began to speak very loud, and got upon their feet; but, as they spoke in English,

the deponent did not understand what they said : he, and several other commoners' who were in the house, apprehending that the fore-mentioned company were about to quarrel, went into the room in order to prevent it. As the company still spoke loud, and in English, the deponent and his assistants carried the prisoner, and his uncle, Mr. Stewart, out of the room. They insisted on going back to the company ; and the prisoner would not move from the place where he stood, till a message was brought him from the company, signifying whether Glenure would wait upon him at his house next day. Being informed by Mr. Stewart of Ballachelish that Glenure would wait upon him, the prisoner asked, if Glenure had promised so upon his honour, and was answered in the affirmative ; and Glenure and Balieveolin did accordingly dine at the prisoner's house next day. Deposed, that the deponent and his assistants then carried the prisoner over a rivulet which lay between the house where they had been drinking and prisoner's house at Aucharn. He asked of them, what kept them there so late, and why they did not go home in proper time of night ? and they answering that they were there waiting upon him, the pannel replied, that it was not waiting upon him they were, but upon Glenure, to see what they could get by him. Deposed, that both the prisoner and his uncle were very drunk. Deposed, that in March last, when the deponent and John More Maccoll were harrowing one of the prisoner's field's, Allan Breck Stewart and they fell into conversation about their exiled friends in France. Allan Breck said that it was a particular misfortune that the management of any concerns they left behind them should have fallen into the hands of Glenure, who was about to show them no manner of favour. He said, the commoners of Appin were little worth when they did not take him out of the way before now ; and upon their saying nobody would run that risk, Allan answered, that he knew how to convey any body out of the way that would do so, in such a manner that they should never be catched. He added, that they and the tribe of MacColl were not like to be the least sufferers by Glenure's proceedings. He was then dressed in a

long blue coat, red waistcoat, and black breeches, with a hat and feather; but when he went from the prisoner's house to Rannock, he was dressed in a black short coat with silver buttons, belonging to the prisoner, blue and white striped trowsers, and a dun great coat, which the deponent thinks belonged to Allan Stewart, the prisoner's son. Allan Breck had on the same dress when he came from Rannock ; and the deponent does not remember to have seen him in that garb at any other time, except on the 11th and 12th of May last. Deposed, that on Friday, the 15th of May, the deponent saw Catherine MacColl, servant to the prisoner, have something in a bag under her arm, which she said was Allan Breck's clothes, and that she was going to hide them. Deposed, that on Thursday evening, the 14th of May, after notice of Glenore's murder came to Aucharn, Allan Stewart, son to the pannel, desired the deponent and John Beg MacColl, to hide a large Spanish gun that used to stand in the brewhouse ; and told them that he himself had concealed a lesser gun that used to stand at the end of the girnel, in the barn, under the said girnel, where he thought it would be safe. They did so accordingly ; but next day the prisoner, not thinking the place where the arms were concealed as sufficiently secret, ordered the deponent and John Beg MacColl to carry them from the place where they were hid, and hide them in the moor ; and they accordingly lodged them in the cleft of a rock. Deposed, that the arms so hid, were a large Spanish gun, loaded with powder and small shot, which Allan Breck was in use to carry, in order to shoot black cocks ; a small gun not loaded, which Allan Stewart, the prisoner's son, was in use to carry in the morning for the same purpose, and four swords. Deposed, that before the arms were thus hid, it was reported at Aucharn that soldiers were coming into the country.

*John Beg MacColl*, servant to the prisoner, deposed, in substance, the same as the two preceding witnesses, as to the prisoner's complaining to them that Glenure was no friend of his, and that he once knew a set of commoners in Appin who would not allow Glenure to carry matters with so high a hand. De-

posed, that the deponent and Dugald MacColl, communed together on the import of their master's expressions, revolving whether it was an encouragement to destroy Glenure, or a complaint against the commoners of Appin, as not being so faithful to the prisoner as he expected. Deposed, that Allan Breck came to the prisoner's house in March last, staid there for some days, made little excursions in the neighbourhood, and came frequently back again. In particular, he came to Aucharn on Monday the 11th of May, about mid-day, dressed in a long blue coat, red waistcoat, black plush breeches, hat and feather; but in the evening he was dressed in a black short coat and silver buttons, belonging either to the prisoner or his son; and he, Allan Breck, thus dressed, came and assisted the deponent, and his fellow servants, *in covering potatoes*. When Allan Breck arrived at Aucharn on the 11th of May, the prisoner was seeing the deponent and his other servants covering potatoes. Allan Breck seated himself besides the prisoner, and they had some conversation in English, which the deponent did not understand. Deposed, that on Thursday the 14th of May, the prisoner gave the deponent a letter to be delivered to Charles Stewart, notary public, at Maryburgh, and told him that the purpose of the letter was to desire Charles Stewart to come and take a protest against Glenure, in case he had no sufficient warrant to remove the tenants of Ardsheil. The prisoner desired the deponent to make all possible dispatch, and to go by the ferry of Kintalline, being a shorter way than by the ferry of Ballachelish. The prisoner also told him to get some money from William Stewart, merchant, Maryburgh, to pay for milk cows which were bought for him, and that, if the money was not sent, he would not get the cows. The deponent set out from Aucharn between seven and eight in the morning. He met Glenure at the three mile water, knew his servant, had some conversation with him, and told him, that he, the deponent, was going to Fort-William; and he arrived there about twelve o'clock. He delivered the letter he got from the prisoner to William Stewart, merchant, in Maryburgh, who told him that Charles Stewart, the notary,

was from home, having gone to the Braes of Lochaber ; but that Glenure had a notary with him, which would answer the purpose of both. The deponent got no money from William Stewart, staid a very little while at Fort-William, returned by the short road to the ferry of Ballachelish, and found Glenure arrived at the ferry before him. The deponent wanted to cross immediately ; the ferryman bid him wait till he should be taken over with Glenure's horses ; but the deponent observing that the time of the tide, and the rapidity of the stream, would occasion considerable delay ere the horses could be taken over, made the ferryman cross with him immediately ; and this was about four o'clock. The deponent proceeded in his journey, passed through the wood of Lettermore, and neither met nor saw any body ; and when he went that day to Fort-William with the letter to the notary, he had no orders from his master to inquire after Glenure's motions, or to acquaint any body with them. An hour was hardly elapsed after the deponent's arrival at his master's house, ere Glenure's servant came to the door calling for the prisoner ; and being asked what news ? he answered, the worst I ever had ; my master is murdered in the wood of Lettermore ; upon which James Stewart said, Lord bless me, was he shot ? to which the servant answered, that he was shot ; and said the pannel ought to go and take care of his corpse. But neither the prisoner, nor any of his family went near the corpse ; for he said that, as he and Glenure were not on good terms, and some of the people who were to meet Glenure had arms, he did not incline to go near them, not knowing what might happen. The prisoner said, this was a dreadful accident, and he was afraid would bring trouble on the country ; and appeared to be sorry for what had happened. Deposed, that late on Thursday evening, after the news of Glenure's murder had arrived at Aucharn, the prisoner's wife ordered Dugald MacColl and the deponent to hide all the arms that were about the house, as it was probable a party of soldiers would be ordered into the country. They accordingly took a large loaded gun out of the brewhouse, and hid it under the thatch of the sheep-house. They inquir-

ed, at the same time, for the little gun that used to lie in the barn, and were told by Allan Stewart, the prisoner's son, that he had hid it under the large girnel; and they concealed four swords under a parcel of thatch. Next day they were desired by their mistress to hide the arms better; and they took the large loaded gun and the swords from the places where they had concealed them, and the little gun, which was not loaded, from under the girnel, where Allan Stewart said the night before he had laid it, and hid all of them at some distance from the house. Deposed, that he saw the little gun either on the Tuesday or Wednesday preceding the murder, and gave as the cause of his not seeing it on Thursday, that he was from home almost all that day. He did not see the little gun loaded since the month of March, when the black cocks were crowding. At that time he saw Allan Breck carry it one morning loaded with small shot, who told the deponent that it missed fire thrice when he presented it to a black cock, and went off the fourth time without killing the bird. Deposed, that neither of the guns were in good order; for the large one, when the trigger was drawn, used to stand at half cock, and the little one had an old worn flint, and often missed fire.

Captain *David Chapeau*, of General Pulteney's regiment, deposed upon information given by Mr. Campbell, of Barcaldine, that there were some arms hid among the rocks, near the prisoner's house, he went thither with a party of his men, and found the arms above described. The large gun was loaded with small shot; the little gun was not loaded, and appeared to have been lately fired; for he put his finger into the muzzle, and it came out black. Being interrogated by the prisoner, whether a musket laid by foul will not give that appearance to the finger, a month after it had been discharged? deposed, he cannot tell, not being accustomed to see arms used so. Deposed, that the lock of the unloaded piece had but one screw nail, and the other end of the lock was tied to the stock with a string. That a gun in such a situation may be fit enough to be fired with. That he took the fuzees along with him to Fort-William, and

delivered them to the adjutant ; and the deponent does not know by what means the lock now missing, which belonged to the little gun, was lost, but believes it to have been by accident.

*William Stewart*, merchant, in Maryburgh, deposed, that he did not send to the prisoner the 8*l.* to pay for the cows, which John Beg MacColl sought in the prisoner's name, on Thursday the 14th of May ; but, on Friday the 15th, he got a second message by Alexander Stewart, packman, who told the deponent that he was going to Glenavis, to get payment of a horse, bought from the deponent, and that he must also get from the deponent 5*l.*, towards payment of some cows, which the prisoner had bought for him at Ardsheil, as the cows were not to be delivered till payment of the money. The deponent, however, was not in cash ; but next day, as the pedlar returned from Glenavis, the deponent's wife, who was anxious to have the cows, sent three guineas by the pedlar, to the prisoner, and, accordingly, in about eight days, she got two of the cows, but she never got the other two. Deposed, that he saw Allan Breck at the prisoner's on the 1st of May, dressed in a short black coat, and clear buttons. Allan Breck told the deponent he had been a soldier in the King's troops, at the battle of Preston, and afterwards was in the rebellion ; and he seemed to be on the watch, lest he should be searched for.

*Alexander Stewart*, travelling packman, deposed, that upon Friday the 15th of May, about mid-day, the prisoner desired the deponent to go to Fort-William, to William Stewart, merchant, and get 5*l.* from him, for the prisoner's friend, Allan Breck, was about to leave the country, as troops were coming into it, and he might be suspected of Glenure's murder. The prisoner said it was incumbent upon himself to supply his friend, Allan Breck, with cash ; and, therefore, he bid the deponent tell William Stewart he must send the money, although he should borrow it from twenty purses ; and that he must also advance 5*l.* to John Breck MacColl, bouman at Koalishacoan, if he came to demand such a sum. The prisoner desired the deponent to seek 4*l.* more from him, being the price of two milk cows. In consequence of these

messages, the deponent went to Fort-William, and asked from William Stewart the two sums mentioned. Stewart said he had not the money, and desired the deponent to proceed with his message to Glenavis, and he would see him to-morrow, and give him the money. The deponent accordingly called next day in his return; but all he got was three guineas. With this he went back immediately to Aucharn, where he arrived in the evening. Mr. Stewart was not at home:—*But, in a quarter of an hour, intelligence arrived, that both Mr. Stewart, and his son Allan, were made prisoners.* Mrs. Stewart went immediately to the place where her husband and son were apprehended, and the deponent accompanied her. They found Mr. Stewart a prisoner. The deponent having opportunity to converse with him apart, told him he had brought three guineas. Upon this, the prisoner pulled out a green purse, out of which he took two guineas, and gave them to his wife, who immediately delivered them to the deponent, and the prisoner desired that the five guineas should be sent to that unhappy man, (meaning Allan Breck,) to see if he could make his escape; and pitched upon the deponent, as the person who should go with the money. Soon after the prisoner was carried off by a party of soldiers, to Fort-William, his wife and the deponent returned to Aucharn; and the soldiers, with their prisoner, stopped there by the way, and drank a dram. After the deponent had supped, Mrs. Stewart told him, that he must go immediately to Allan Breck, with the five guineas and his clothes, who would be found at Koaliscacoan; that, if the deponent should not meet him, he might deliver the money and clothes to John Breck MacColl, the bouman; but by no means to take the clothes to MacColl's house, lest any body might see them. The deponent, with great reluctance, after being much intreated by Mrs. Stewart, undertook the commission; he arrived at Koaliscacoan, on Sunday morning, a little after day-light, and left the clothes at the root of a fir tree, at some distance from the houses. He then met John Breck MacColl, the bouman, delivered him the five guineas, and pointed out where the clothes lay. The bouman

told him, that Allan Breck was at Corrynakeigh, a little above the house of Koalismacoan. The deponent then went to sleep in the bouman's house, dined with him, and returned to Aucharn in the evening, where he found the prisoner's wife perfectly satisfied, upon being informed that the deponent had consigned the money and clothes to the care of the bouman.

*John Breck MacColl*, deposed that on the afternoon of Saturday, the 16th of May, as he was in a fir bush, in Koalismacoan, he heard a whistle. Upon looking up, he saw Allan Breck at a little distance, beckoning to the deponent, to come forwards to him. After mutual salutations, the deponent told him, he was afraid it was no good action that occasioned his being in so remote a place; and the deponent charged him with being guilty of Glenure's murder. Allan Breck asked the deponent what he had heard about the murder? he answered, that two poor women told, that Glenure was murdered on Thursday evening, in the wood of Lettermore; that two persons were seen going from the place where the murder was committed, and Allan Breck was said to be one of them. Allan Breck answered, he had no concern in it; and, if his information was right, there was but one person about the murder; but, as he was idle in the country, he was sure he would be suspected of it. This, he said, would give him little concern, if he had not been a deserter, which would bear harder upon him, in case of his being apprehended, than any thing which could be proved against him, about the murder. He said, he did not doubt but the family of Ardsheil would be suspected of the murder; and it was probable the prisoner and his son Allan might be taken into custody about it; and he was afraid Allan Stewart, the pannel's son's tongue, was not so good as his father's; by which words the deponent understood, that Allan was easier to be entrapped than the pannel. Allan Breck told the deponent, he must remain in that neighbourhood, till some necessaries which he expected were brought to him; and that, unless some money came to him before next morning, the deponent must at all events go to Fort-William with a letter. This the deponent refused; but Allan Breck,

notwithstanding, picked up a wood pigeon's quill, made a pen of it, made some ink of powder, which he took out of a powder horn that was in his pocket, and wrote a letter, to be delivered by the deponent to William Stewart, merchant, in Maryburgh. The deponent objected, that every body who went to Fort-William was searched. Allan Breck answered, it was an easy matter to hide a letter ; but, if he was apprehended, it must by no means be found upon him ; he must eat it, rather than it should be found. At this time Allan Breck was dressed in a dun-coloured great coat, black short coat, and blue trowsers, striped with white. Early next morning, being Sunday the 17th, the deponent met Alexander Stewart, the preceding witness, who inquired for Allan. Being worn out with fatigue, and two nights want of sleep, he went to rest in the deponent's house, and gave him five guineas, and Allan Breck's own clothes, to be delivered to Allan. At night, after the deponent had gone to bed, he heard somebody rapping at the window. He got up, went out of the house in his shirt, and saw Allan Breck at a little distance, who inquired if any message had come for him. The deponent answered, that his uncle's son had come with five guineas and some clothes to him. The deponent expressed his fears that Allan Breck would starve among the heath ; and regretted that he was unable to help him. Allan said, he had no occasion for victuals, but wanted drink very much. Upon this, the deponent went back to his house, and fetched a dish of whey, and the five guineas, and delivered them to him, and also gave him his clothes. He told Allan, that the prisoner and his son were apprehended, on account of Glenure's murder ; Allan answered, that was no more than he expected ; but it would not signify much, as there could be no proof against them ; but expressed some apprehension, lest Allan Stewart, son to the prisoner, might be betrayed by his own tongue. Next morning the deponent found Allan Breck's borrowed clothes, and the dish which held the whey, lying together at the place where they had parted the night before ; and since that time he had not seen him. Deposed, that about two years ago, a conversation passed between the deponent and

the prisoner, about Glenure's being to take the management of the estate of Ardsheil from him, which would disable him from being of any service to Ardsheil's children; and the prisoner then said, he would be willing to spend a shot upon Glenure, though he went upon his knees to his window to fire it.

*Hugh Maclean*, barber in Maryburgh, deposed that he was sent for to the prison by Mr. Stewart, to shave him. He asked what news? The deponent answered, he heard that the prisoner was to be carried to Edinburgh, on the Monday following. The prisoner replied, that was a matter which gave him no concern; he wished it had happened sooner; and was afraid of nothing, but that his servants might take money, and turn against him; and desired the deponent, as from him, to tell his servants to say nothing but truth, to keep their minds to themselves, and he would take care of them. He gave the deponent a shilling. The deponent delivered this message to the prisoner's servants, and also told his son of the message he carried from his father to the servants, and the son gave him half-a-crown.

*Hugh Stewart*, in Edinburgh, a witness cited for the prisoner, deposed, that Allan Breck was in use frequently to pass between France and Scotland; that he lodged, when at Edinburgh, in the deponent's house; and that he used only to go abroad under cloud of night, being afraid to be seen, as he was a deserter.

*Catherine Macinnes* deposed, that on the evening of Glenure's murder, she saw Allan Breck in the moor of Ballachelis. He asked what was the occasion of the stir in the town? She answered, Glenure was murdered. He inquired who committed the murder? and she said she did not know. He then requested the deponent to tell Donald Stewart, in Ballachelis, to go to the pannel, and desire him to send the said Allan money; and that she delivered this message to Donald Stewart, that same night. She told the said Donald Stewart where she had seen Allan Breck.

*John Stewart*, younger, of Ballachelis, deposed that on the day after Glenure's murder, the deponent was in the prisoner's house, who told him of his having got a message from Allan Breck that morning,

by Donald Stewart, to send him money, which the prisoner said he was resolved to do.

Several witnesses deposed to their having seen Allan Breck dressed occasionally in a black short coat, and white buttons; and John Cameron, of Strone, and Ewan Cameron, his servant, deposed, that they heard one Serjeant More threaten to shoot Glenure, on account of his hard usage of the tenants of Ardshiel.

*Verdict of the Jury.* They found unanimously, the pannel, James Stewart, guilty, art and part, of the murder of Colin Campbell, of Glenure.

*Sentence of the Court.* They adjudged the prisoner to be taken, on Wednesday, the 8th of November, to the south side of the ferry of Ballachelis, to be hanged on a gibbet, till he be dead, his body to be hung in chains, and his personal estate to be forfeited.

The Duke of Argyle, Lord Justice General, then addressed the prisoner, in a speech of considerable length; a speech upon which we decline to preoccupy the reader's mind by any observations. The duke began, by telling the prisoner that he had a most impartial trial, and that he had been prosecuted with all the moderation consistent with the crime of which he stood accused. His Grace then speaking of the murder of Glenure, whose oppressions appear to have so deeply affected the family of Ardsheil, and their dependents, told the prisoner, it may be said of you, that you first eat his bread, and then shed his blood.

After descanting upon the different rebellions, raised by the partisans of the house of Stewart, and particularly that of 1745, the duke proceeded.—If you had been successful in that rebellion, you had been now triumphant, with your confederates, trampling upon the laws of your country, the liberties of your fellow subjects, and on the Protestant religion: you might have been now giving the law, where you have now received the judgment of it; and we, who are this day your judges, might have been tried before one of your mock courts of judicature, and then you might have been satiated with the blood of any name, or clan, to which you had an aversion.

Though you don't now stand accused as a rebel, nor

am I permitted to call you a traitor, because his Majesty's undeserved mercy to you, did several years ago restore you to the state of an innocent man ; yet I may say, with great force of truth, that this murder has been visibly the effect and consequence of the late rebellion.

The prisoner then addressed the Court in these words.—My Lords, I tamely submit to my hard sentence. I forgive the jury, and the witnesses, who have sworn several things falsely against me : and I declare before the great God, and this auditory, that I had no previous knowledge of the murder of Colin Campbell, of Glenure, and am as innocent of it as a child unborn. I am not afraid to die ; but what grieves me, is my character, that after ages should think me capable of such a horrid and barbarous murder.

On the fatal day the prisoner was escorted by a strong military guard to the place of execution. He produced three copies of a paper, containing his dying speech ; one of these he delivered to the civil magistrate, another to the commander of the troops, which guarded him, and the third he read with a distinct voice to a great multitude of spectators, which had come to witness his execution. And in his speech, which was very minute, he denied all accession to, or previous knowledge of, Glenure's murder. The minds of the spectators, already engaged with the circumstances of this extraordinary trial, and the awful scene which was before them, were struck with superstitious terror, at the tempest which raged during the time of the execution. And the prisoner went through the last act of this tragedy, with a composure which persuaded every one present of his innocence.

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M'DONALD, BERRY, EGAN, AND SALMON,  
FOR BEING ACCESSARIES BEFORE A ROBBERY.

STEPHEN M'DONALD, John Berry, James Egan, and James Salmon, were indicted, for that at the gaol delivery at Maidstone, for the county of Kent, on

Tuesday, the 13th of August, Peter Kelly and John Ellis, were in due form of law convicted of robbery, on the King's highway, on James Salmon, by putting him in fear and danger of his life, in the parish of St. Paul, Deptford, in the county of Kent, and taking from him one linen handkerchief, an iron tobacco-box, one guinea, and half-a-crown ; and the said Peter Kelly and John Ellis, were tried and convicted for that robbery ; that they the said M'Donald, Berry, Egan, and Salmon, on the 23d of July, were accessories before the felony was committed, and feloniously and maliciously did abet, assist, counsel, hire, and command the said Kelly and Ellis, to commit this robbery. There was a second count in the indictment, as an offence at common-law.

At the desire of Berry the witnesses were examined apart.

*Joseph Cox* produced a copy of the record of the conviction of Peter Kelly and John Ellis, and swore he had it of Mr. Knapp's clerk, with whom he examined it with the record, (the purport of which was,) that Peter Kelly and John Ellis were tried the 13th of August, 1754, at Maidstone assizes, before Sir Dudley Rider, Knt. and Michael Foster, Knt. for the said robbery, on the defendant Salmon, and found guilty.

*Thomas Blee*, deposed thus.—I have known the prisoner, Berry, eight or nine years, and M'Donald twelve months last November. I never had any acquaintance with Salmon, till through Berry, in the month of June last. I have known Egan four or five years, by his coming backwards and forwards to Berry's.

*Q.* Did you know Peter Kelly and John Ellis ?

*Blee.* I did ; I believe they are now in Maidstone goal.

*Q.* Tell the court the first time you had any conversation with them.

*Blee.* I lodged at Berry's house and worked with him ; Berry said to me, in the beginning of July, go to M'Donald, who then lived in a court in Holborn, and tell him I want to speak with him. I went, and we came back together to Berry's house ; they both said to me, Tom, money grows scarce, you must give

a sharp look out for a couple to go upon the scamp now, and if you can't get two, you must get one. To go upon the scamp is to go on the highway. I told them, as Kidden's was so bad an affair, I did not chuse to be concerned any more. [Kidden was an unfortunate wretch, whom this Jackall had persuaded to commit a highway robbery, in order that his employers might hang him for the reward.] M'Donald said, if you don't, it shall be the worse for you. Then Berry said, I might go about my business ; so I went away. The next morning Berry called me into his room. He lived in George-yard, the upper end of Hatton-garden. He then said, go to Mr. M'Donald and desire him to meet me in the fields, about eleven o'clock. I did, and we went into the Spa-fields, and Berry came to us. They both said to me, go and look about the fields, and see if you can pick up a couple of idle fellows, that will do for the purpose, that is, to go upon the scamp. Accordingly, we three went into the fields several days, but could not meet with any body fit for the purpose. I remember one day in particular, it was Monday the 15th of July, that day they ordered me to go into the fields, and said they would come, and I sat there two hours, before they came; then M'Donald came to the top of the hill, and bid me come to the sign of Sir John Oldcastle, and said my master was there ; I went with him, and in an arbour at the bottom of the yard, sat Berry, and Salmon the breeches-maker. There we discoursed together, about doing this robbery. M'Donald said, we'll do the thing somewhere towards Blackheath ; then he and Berry had a sort of a wrangle, whether they should not have it done between Newcross Turnpike and Deptford, just facing the four mile stone. They pitched on this place, because there is a reward of 20*l.* given by the inhabitants of East-Greenwich, for apprehending highwaymen and footpads. Berry said, suppose we have Egan concerned with us ; then they talked about his being the *Fence*, as they call it ; that is, to buy the goods after Salmon had been robbed of them. M'Donald objected to Egan's being in, because he thought five would be too many to be concerned in the reward. Berry said, we can't cleverly do without him ; and if

there were five of us concerned, it would be pretty near 20*l.* each, if a constable should come in. So they all agreed that Egan should be concerned as a fence in the robbery, and Berry said he would acquaint him with it that night ; and said to me, now, Tom, you may go home about your business, we will not be seen in the streets together.

Next morning I went out again to see if I could find any body for the purpose, but I could not that day ; next day, Berry ordered me to go and tell M'Donald to come to him at the Bell-Inn, in Holborn ; M'Donald and I went there accordingly, where we met Egan, Salmon, and Berry, when it was concluded that the thing should be done, *i. e.* that I should get a couple to go on the highway, and that Salmon should be the person to be robbed ; and Berry and Salmon talked about making two pair of breeches, that Salmon was to be robbed of, and to mark them under the pocket or waistband, with some particular mark, I think it was to be J. S. then Berry and M'Donald said, they must have a particular handkerchief too ; then M'Donald put his hand into his pocket, and pulled out a handkerchief ; Salmon said, he had got a handkerchief at home, that he would mark so as to swear to it ; that is, with four oilet-holes, one at each corner. Berry said they would want a tobacco-box. M'Donald said, he had got a very remarkable one, and said, he would give it to Salmon to be robbed of ; then they wanted a halfpenny, and would have it marked. M'Donald said, he had a pocket-piece, which I saw his wife buy for three-pence, and a halfpenny worth of gin, some time before ; he said, that would do, and it should be marked with a shoemaker's tool, and gave it him to mark ; Egan said, he had a tool he used to stamp shoes with, and would mark the piece with it ; then they bid me go home about my business. Next morning, Berry gave me threepence, and ordered me to go down to Fleet-market, to see if I could pick up two men or lads there. Accordingly, I went, and met with Peter Kelly and John Ellis, very bad lads, that is, pickpockets. I gave them a dram of gin, but had no discourse with them then about the thing. Next morning Berry gave me three-pence more, and bade

me to go down to Fleet-market, and be sure to have a little talk with them, and told me what to say, which was to tell them, I knew where to get a brave parcel of linen, if they would go with me to Deptford ; I went, and met them there, and told them as I was ordered : they both agreed to go with me any time I thought proper. Ellis is a chimney sweeper, about 20 years of age, and the other about 21. Next morning, Berry sent me to M'Donald, to bid him come to the Plumtree, in Plumtree-court, Shoe-lane ; there we met Berry and Salmon ; Berry told Salmon, I had got two men, Ellis and Kelly, who had agreed to go with me any where. Berry bid me drink once, and go about my business. The reason why they chose I should go by myself, was because people should not take notice of me. This was said, when they gave me this great-coat that I now have on, to disguise myself. I then went to look for Kelly and Ellis, in Fleet-market, where I saw them on a pea-cart ; I gave each of them a glass of gin, and bade them good-bye ; about two hours after that, I met them again in the market, and asked them, if they would go to Deptford or not ? they said, yes ; Kelly asked me if I had got any bag to put the linen in ? I said, we did not want a bag, I would tell them more of that another time, and so left them. At night, Berry bade me come to him in the morning ; I did so, and he gave me six-pence to treat them with. I went into the Brick-fields, and found them, and treated them with gin and beer, and promised to meet them the next morning ; I left them in the Spa-field, and went to M'Donald's house and dined there. I told him I had got two lads, that I believed would do for the thing, and who they were, and said I should see them again that night, or on the morrow ; he said, that was very well. At night I saw Berry, and told him what had passed between the lads and me ; he said it was very well. Next morning, July 22, about five o'clock, Berry bade me go and tell M'Donald not to be out of the way, and gave me three-pence, to go down and treat Ellis and Kelly with gin ; I went down, and there met with them, gave each of them a half-pennyworth, and told them I would fix a day when to go to Deptford, so left them.

and went to M'Donald's, where were Berry and Egan. I said, if Egan has a mind to see them, he and I would go down to Fleet-market ; we went, and there were the two lads, idling about ; I gave them a half-penny each for gin. Egan stood three or four yards from them, leaning against a post ; then he went one way, and I another, and met at M'Donald's house. Egan said to M'Donald and Berry, by Jesus they will do very well, they are two pretty lads. Then we parted, and Berry and I went over to the Plumb-tree ; as we went by Salmon's door, in Shoe-lane, Berry beckoned to him, and he went with us ; I left them together.

On Tuesday morning, Berry and I went to the Plumb-tree again ; he sent me to tell M'Donald that he wanted to speak with him ; I told him, and he came ; then I went to find the two lads, found them in Fleet-market and discoursed with them ; they said they were going in the Artillery-ground to work ; that is, to pick pockets. I came back, and acquainted Berry and M'Donald with it. Berry gave me 3d. and bade me go and keep them company. I went and walked up and down with them. About half an hour after two o'clock, Berry and M'Donald came into the Artillery-ground ; I went to Berry, and asked him if he thought they would do ? he said do ! O yes, I have hanged less than they over and over again, March and Newman were less ; he gave me 6d. and bade me be sure not to leave them ; I then went round the Artillery-ground, and met the two lads and gave them part of a full pot of beer ; then I bade them good by, and told them I would see them next morning. I went home, and in the morning told Berry I was going to them ; he gave me 3d. and I went to Fleet-market, and told them I believed the thing would be done on Friday next ; if not, I would let them know farther ; then left them, and told Berry I had seen them ; he said, d---n you, dont you go to deceive us ; do you come to the Bell in Holborn by and bye ; I did so, and left word as he had ordered me. Then I went to the Bell, and Berry met me at the door ; he said here is 3d. go away to the Artillery-ground, and be there about two o'clock ; this was on Thursday the 25th in the morn-

ing ; he said, don't come in, for Mr. Bagley is here ; I don't want him to see you. Bagley was a neighbour of Berry's. I went to the Artillery-ground, and walked about an hour and a half before I saw either Berry or M' Donald ; presently there was a hue and cry after a pickpocket ; M' Donald came to me, and said, d—n me, the chief person is ducking in the Pied-Horse-Yard, follow him and give him some gin, for they have almost killed him. It was Ellis the Chimney-sweeper. I followed him across Moorfields, and saw the people go from him till there was but two or three about him ; I gave him a penny and went back to M' Donald, and told him he was very safe, and as we were coming out of the ground, we met one they call Plump, (his name is Brebeck,) and another fellow they call Doctor, that was turnkey at Clerkenwell Bridewell ; Plump, seeing me and M'Donald together, said to me, d---n you, you rascal, you deserve to be hanged for that affair of Kidden. M' Donald said to me, come along don't be afraid of any body. I went to Fleet-market to see if Ellis was safe ; I found them both, and told them I would meet them next morning : they had no money to pay for a lodging ; I said here is three half-pence for you, go and lie in the Brick-fields to night ; then I went home to Berry's, and told him of Ellis's being ducked ; he said they had agreed that it should not be done on the Friday, lest the lads should be apprehended on the Saturday, and kept all Sunday in the watch-house, and they might tell somebody of my being concerned with them, and so, by impeaching me, I might be apprehended ; and therefore fixed it to be on the Monday, on which morning Berry gave me 2d. or 3d. to go to Fleet-market to them and bid them stay till nine o'clock, and say I would come to them again, which I did, and returned to the Plumb-tree, where Berry, Salmon, and M' Donald were. Berry changed a guinea, gave me five shillings and bade me not be extravagant ; he said it was to flash to the boys, and to say, I made that last night ; I was to pull it out all at once ; he gave Salmon half a crown to be robbed of ; he said, now go away as fast as you can : I asked him at what place shall I stop for you, to see you are

going, that we may both be sure ? he said, I will stop at the Bell in the Borough, and call for a glass of gin, then you may be sure we are going to Deptford ; I left them, and went to the two boys, and went with them to a house in Little-Britain ; there I called for some beer and bread and cheese, pulled off my coat, and said I must go to the Fence to get some money, for the woman had not paid me all : I left my great-coat, and went to Berry, and bade him hasten away, for the boys wanted to go ; Berry said he should be over the water time enough for us, I went to the boys again, and called for another pot of beer to delay the time. Then we set out for Deptford. When we came to the Bell, in the Borough, we went in, and there sat Berry and Salmon. After we came out, Kelly said, d---n your eyes, there is that old thief-catching son of a bitch, your old master ; said I, never mind it, I don't belong to him now ; then we went down the Borough-market, they bought a breast of lamb for their dinner, and we went to the Black-spread-Eagle, in Kent street, (which was the house the prisoners and I had appointed for them to come to the next day.) We had the lamb fried for our dinners ; from thence we set out for Deptford, at about half an hour after twelve o'clock. I had made them almost drunk, but as we could do nothing till it was dark, we would go into the fields and get a sleep ; they slept soundly ; at a proper time, I awoke them, and away we went for Deptford, about an hour before dark ; I went with them to the Ship, the house Berry and Salmon had appointed to come to, and called for a pint of beer at the door, and bade them stay there, while I stept to see a relation in the town, but went to see for Berry and Salmon ; I found Berry, we went to a public-house, he called for a pint of beer, and bade me return to the boys, and Salmon should come to the house. I went to them, took them into the house, and said, I expect my cousin to come to me.

Q. Had you let the boys into any knowledge of this affair before you came to this place ?

*Blee.* No ; I had only told them it was to steal some linen ; they went for no other intent ; then I went in and called for a pot of beer and bread and cheese, and after that called for another pot ; in the mean

time in came Salmon, and sat down near us, and began to talk about going to London ; it was then dusk ; I saw Berry go by the window, he beckoned and I went out to him ; he said, be sure to follow Salmon when he comes out ; I went in again, and Salmon presently went out ; I changed half a crown, and asked the lads if they would have any gin. When Salmon first came in Kelly said, there is that old blood of a bitch the breeches maker ; his son and I have been picking pockets together many a time ; I said, never mind that, what is that to us ? I knew the place where he was to stop at ; it was just by the four mile stone ; this was agreed upon before. The two boys and I went on, and by the four mile stone, by a gate, Salmon stood as if he was making water. D——n it, 'said Kelly, there is the breeches maker, he is drunk, let's scamp him..

*Q.* What reason did you give the lads for following Salmon ?

*Blee.* I said we would take a walk till it was time to steal the linen. When Kelly came up to Salmon, he said, d——n you, what have you got there ? Salmon said, gentlemen, take what I have got, don't use me ill ; he had the breeches under his arm, tied in a blue and white handkerchief ; he gave them to me and I to Kelly ; I said to Kelly, what money has he got ? Salmon said, there, gentlemen, what money I have got is in my left hand waistcoat pocket, in a tobacco-box. Kelly put his hand in and took out the tobacco-box, and a clasp knife and fork ; then away we walked on for London, and came into Kent-street as fast as we could, and lodged there all night, at a house where I paid the lodging money at going down, by Berry's order, to induce the lads to come there again ; it was then about eleven o'clock.

*Q.* What did you take from Salmon ?

*Blee.* We looked at that coming along ; I knew what was in it before ; there were 2s. 6d. a pocket-piece, with Skilion on it, or some such name, and a punched mark in the middle of it.

Mr. Cox produced the things mentioned, viz. the tobacco-box, pocket-piece, breeches, handkerchief, and knife ; all which, Blee said, were the same as taken from Salmon.

Q. What was done the next morning when you lay in Kent-street?

Blee. We got up about seven o'clock, and went over the way to the Spread Eagle ; I called for some beer ; bade the lads sit down and I would go and get something for breakfast ; but went to the White-Bear, where Berry ordered me to come to him ; there sat Berry, Egan, and Salmon on the bench ; M'Donald had not come ; Berry told me to go back and Egan should come after me presently ; Egan and I walked up the street a little way together ; I said stop there a bit while I go to that shop to buy a lamb's liver for breakfast ; he said he would go on, and went and called for a pint of beer ; I came after with the liver ; I said to Ellis and Kelly, that man, (meaning Egan) deals in Rag-fair, though I knew he did not ; may be he will buy the breeches, shall I ask him ? yes, said they, with all our hearts. Master, said I, will you buy some leather breeches ? he said, let me look at them, if you and I can agree I'll buy them ; having looked at them, he said, what will you have for them ? I said 6s. he said, I will give you 5s. and gave Kelly 1s. earnest, and said he had not so much money about him, but he would come in an hour or two and pay the rest, and would leave the breeches in our care till he came back. I said, my friend, will you eat a bit of liver and bacon before you go ? he sat down and called for a halfpenny worth of tobacco ; God bless me, said he, I don't know what I shall I do, I have lost my tobacco box. (This he was to say.) I said to Kelly, let us sell him our's ; then Kelly asked him if he would buy a tobacco box ? said he, let me look at it, and asked what we would have for it ? Kelly answered 6d. I said, we will have no dry money ; Egan replied he would give a full pot of twopenny for it ; Kelly said he should have it. After he had eat his breakfast he went out, and hastened to Berry and Salmon ; I took the two lads backwards to play at skittles, to detain them ; I kept them there an hour and a half ; then said if the man don't come let us sell the breeches ; I said, I would go and be shaved, left my great coat and went to the White Bear, but they were

gone to the Elephant and Castle ; I went to them ; Berry asked me where my great coat was, bade me go and fetch it, and said, M'Donald and Egan shall go ; I went back again to Ellis and Kelly, and said, the barber is busy I must go again by and bye ; I put on my great coat and went to the Elephant and Castle again ; Berry bade me go to the Bell in the Borough, stay there till he came, and get shaved. As I was going away Egan and M'Donald went out ; I went to the Bell, and in about an hour Berry came in, and we went homewards together. On Ludgate Hill we saw one Mr. Rogers coming along, Berry said, leave me, don't be seen in my company ; at night I desired him to lend me some money to go to the fair to-morrow ; he said, that is right ; Uxbridge fair is to-morrow ; he lent me 18d. it was to buy shrimps at Billingsgate to sell at the fair ; I went there, and came back the 1st of August. Berry bade me not be afraid, he would always keep a good look out, and they all said, if I was taken up Salmon should never appear against me.

*Q. from Berry.* You say Kelly and Ellis went with you under a notion of stealing of linen, and Kelly accidentally pitched upon Salmon, and proposed to you to commit a robbery on him ?

*Blee.* No, he did not till we just got up with him, then he said there is the breeches maker let us scamp him.

*Q. from M'Donald.* Ask him if he has not had a quarrel with me, and swore he would be revenged on me ?

*Blee.* No, never ; M'Donald once got a long knife, and threatened to cut my throat.

*Berry.* Because I took his brother, who was transported, he always swore he would be revenged on me.

*Blee.* I never swore so ; he did not take him.

*Salmon.* I have not been at the Bell, in Holborn, these five years.

*Blee.* He was there as I have mentioned.

*Q. from Egan.* I want to know if it can appear by any man or woman that I have been in a house with Blee.

*Blee.* There are several can prove it.

*George Holewright.* I live in Scroop's Court, facing St. Andrew's church, Holborn. I know three of the prisoners, viz. M'Donald, Salmon, and Berry, as also the witness Blee, but Egan I do not know. I have known M'Donald and Berry some years, the first kept the sign of the Angel in Scroop's-court.

Q. Where did he lodge about July last?

*Holewright.* He and his wife, as he calls her, came to my house Ash-Wednesday was a twelvemonth, and continued there about four months, till he was taken up at Maidstone. I have seen Blee; he was a very handy man among them. Blee used to come to M'Donald's to clean the house and wash the dishes; and often came to ask for his master Berry. They used to be generally together.

Q. Do you remember he was at M'Donald's lodgings, in Scroop's-court, in July last?

*Holewright.* The last time I saw M'Donald was on the Friday night, and the next day he was gone to Maidstone, but I thought he was gone to Coventry; and I saw Blee at my house much about that time. They were very busy together; but as I never expected to be called upon in court about these things I made no account of this. I saw Blee in the Artillery ground running backwards and forwards when the White Regiment marched; I said, Tom, what are you at? he said, hold your tongue; I saw him cross several times.

Q. Did M'Donald tell you he was going to Maidstone assizes?

*Holewright.* No, he never mentioned a word to me of that; he said he had taken a man in Smithfield for murder, and he expected to have the reward, and should go to Coventry one day or another.

Q. Did you know the prisoners at the bar were acquainted together?

*Holewright.* I have seen them all together, except Egan; Blee was a sort of runner to them, as I thought.

Q. from Berry. Where have you seen us drinking together?

*Holewright.* At M'Donald's when he kept the Angel, in Scroop's-court, which is about five years ago. I

have seen you lately at the Union Arms, in Union-court ; I have seen them all three there, which is about seven or eight months ago.

*John Kirby.* I live in Cross-street, Hatton-garden, I know Berry, M'Donald, and Salmon ; I have seen Berry and M'Donald at the Two Brewers, on Saffron-hill, on the 8th of July they were drinking at the door ; I have seen M'Donald and Salmon at the Union Arms, in Union-court, soon after they were very well acquainted ; I have seen Blee come several times to the Union-Arms to fetch beer for M'Donald ; his beard was very long most of the time I knew him.

*Q. from Salmon.* How often have you seen me at the Union Arms ?

*Kirby.* I saw Salmon once in the kitchen with M'Donald, and at another time sitting at the door ; and Blee came while he was drinking with M'Donald, and fetched both away in a great hurry ; this was in the month of July.

*James Price.* I know John Berry, he lived in George-yard, where I now live ; I have seen M'Donald frequently with him there, and likewise Egan. Salmon came into the yard in August last, and asked me if I had seen Berry ? I directed him to the Hat and Tun, where I had seen him go ; as to Blee, I had a warrant against him, and young Berry kept Blee from me in his house ; this was about a year ago. About the beginning of August, I saw Berry, M'Donald, and Egan, at the Two Brewers, at the bottom of Saffron hill ; I have often seen Berry and M'Donald together ; they were seldom apart.

*John Samms* deposed to the same effect, that he knew all the prisoners at the bar, had often seen them drinking together, and that there was an intimacy between them.

*Q. to Kirby.* Look at this tobacco-box, did you ever see it before ?

*Kirby.* Yes, I am pretty sure I have, it belongs to M'Donald. I remember when Salmon and he were together at the Union Arms, some tobacco being left on the table, M'Donald took out this box, and put the tobacco in it.

*Q. to John Brayder.* Do you know this pocket-piece.

*Brayder.* I sold a piece once pretty much like this, there was on one side of it wrote Skilling, but there was not this mark upon it when I sold it, (meaning the mark which Blee said Salmon made in the middle.) I sold it to a woman, one Blee was with her at the same time. That is the man, (pointing to Blee.)

*Q. to Blee.* Was you by when this man sold such a pocket-piece as this?

*Blee.* I was, he sold it to M'Donald's wife, or company keeper, she gave him 3d. and a halfpennyworth of gin for it.

*Joseph Cox.* I have known M'Donald two or three years; I never saw the others till I saw them altogether at Maidstone assizes. I went down on the 14th of August, I am chief constable of the lower half hundred of Blackheath. I had an information about the beginning of August, that a breeches-maker had been robbed in the parish of Deptford, where I live, by three footpads, and that two of them were taken by M'Donald and others, and sent to Maidstone gaol, and the third person, whose name was Thomas Blee, I was informed, kept company with M'Donald, and after two or three days searching, I very fortunately took that person, with the help of a constable of Greenwich, on Friday, the 9th of August, in Newgate-street, very early in the morning. I took him directly to the water-side in order to carry him to Greenwich; when he got into the boat, he said he would discover all he could concerning the robbery of the breeches-maker. I bade him not do it then because of the waterman, till we came to a magistrate, we took him before a justice of peace, there he made an information. This is it.

*Q.* Do you know whose writing it is?

*Cox.* The name was wrote by Thomas Blee, and the rest by justice Bell.

*Q.* Was it read over to him before he signed it?

*Cox.* He read it over, and I read it to him before he signed. It was taken on the 9th of August, but

not sworn till the 13th, the justice and Blee signed it in my presence.

As soon as this was taken, the same night I obtained a warrant against M'Donald, another against Berry, another against Salmon, and another against Egan. I was advised to attend the trial of Ellis and Kelly, and not to discover that I had Blee in custody till after the trial, and in order that he might not escape, Thomas Warren went to assist me. When I came to Maidstone, I informed myself who were on the back of the bill of indictment of Ellis and Kelly; their trial came on the 15th of August, at night; I came into court soon after the trial began; Blec was then in my custody, but nobody knew it then at Maidstone; he was brought down in the night, and stopped short of the town. When I came in I heard Salmon, and the other prisoners, giving evidence against Kelly and Ellis.

*James Cornack.* I am a drummer, and was quartered at the Black Spread-Eagle in Kent-street. On the 30th of July last, I came down between eight and nine in the morning. I observed three men sitting together in a box, one of them had a carotty beard, which was Blee; they had some victuals and drink before them; the others were the two prisoners that were cast at Maidstone. Blee said, I will go and get shaved, he went out, and in about eight or ten minutes after, in came M'Donald, and laid hold of Kelly, and said, come out, you blackguard dogs; I said, what makes you abuse the lads in this manner? he said, d—n them, I have a warrant against them, I am an officer, they have robbed a man just against the four mile-stone, near Deptford; I desire you will aid and assist me; I said, if that is the case, I will. He took a rope out of his pocket, and tied them together; now, said he, I will take care of them; do you step down to the Elephant and Castle, and you will see two men; I went there, and saw Berry and Salmon; I said to the latter, I believe you are the gentleman I want; there is one at my quarters wants to speak with you. Berry said, go along with him. Salmon went with me. Coming along, I said, what is the matter? what has happened? Said he. I was at

Deptford-yard last night, and took some money, and had some breeches with me ; there were three chaps stopped me and robbed me of a guinea in gold, half a crown in silver, a tobacco-box, and two pair of leather breeches, tied up in a handkerchief. We went in ; there stood the bundle on the table, and Egan sitting in a box opposite the lads. M'Donald asked Egan, what he had in that handkerchief ? he answered, it was no business of his, for it was all his, and he had bought it of the lads. I made him open the handkerchief, and there we found the breeches, &c. which Salmon said he had been robbed of. M'Donald searched Kelly, and took a clasp knife out of his pocket, a shilling, and a silver pocket-piece ; he gave him the shilling back again ; they shewed me the pocket-piece ; it was marked in the middle, and desired me not to be meally-mouthing when I came before the justice. They tied the things all up in a handkerchief, and we set out with them to a justice of the peace at Greenwich. Going along, M'Donald said to the lads, you have made a good hand of it, if you have spent the guinea already ; the lads said they never took a guinea from him. M'Donald said to me, one of them has got money in his stockings, but let them keep it, poor things, they'll want it ; he urged them very much to confess the robbery, and told them, if they would not, they should certainly be hanged. His words were,

" You dogs, I would have you confess before the justice, it will be the better for you, and tell me where the other fellow is gone ; they said they could not tell any thing about it, and would give him no answer. He said, if they would confess, he would do all in his power for them, and untie them when they came to Deptford, and they should go by water. We came to the Five Bells at the end of Deptford road ; M'Donald called for a pint of beer, and asked the lads if that was the house they were at the night before ? they said no, but at the sign of the Ship ; then we set out again ; Salmon and Egan followed at a distance ; when we came to the Ship at Deptford, M'Donald asked the landlady if she saw these two lads there the night before ? she said, yes ; then he said, did you see that man that is now at the door ; (meaning Salmon.) She said, yes, he was there at the same time, and they went out about ten or twelve minutes distance of each other. Said M'Donald to me, take notice of what this landlady says, and don't be meally mouthing when you come before the justice. Then we went to Greenwich, and in the clerk's office, they wanted M'Donald to be

bound over to prosecute ; he said he could not, for he had a bit of an estate left him in the country, and he could not be there at the time of the Assizes, then the justice's clerk was pleased to bind me over. We staid at Greenwich, and had some beer, and were pretty merry till almost nine at night. Coming home together, they let me and Egan go before ; Egan swore by the great God, and the sweet Jesus, he would not appear against them at the assizes. Said I, you are bound over as well as I, and I can't see how you can be off going down ; said he, O, by Jesus, it is only changing my parish ; it has cost me three shillings to-day, and the breeches may go to the devil, for I will never appear against them. We parted about ten at night ; I went to my quarters ; M'Donald told me to come to his house in Union Court ; I went about a week after, but could not hear of such a person ; I went to the Union Arms, and the landlord knew something of him, and I found he lived in Scroop's Court ; I went, and asked there for him three or four times, but his woman always told me he was in the country ; I saw him once, but that was by mere chance, he was then dodging me, or somebody else, at the end of Parliament-street. I was at the assizes at Maidstone ; when I came there, I could not find any of them, they kept out of my sight, I imagined, for fear I should come in for part of the reward ; at last, I happened to meet Egan in the street, and said, what, have you done the thing ? (I meant, found the bill,) he said, no, we shall not do it this day or two ; thinks I I'll watch you ; by-and-bye came Salmon, M'Donald, Egan, and one Serjeant, a constable ; they and I went into the clerk's office to get the bill of indictment drawn ; Berry did not go in, I followed them ; when they came in the clerk said, are you all here ? yes, said M'Donald ; said the clerk, there are six of you ; said M'Donald, there are but five of us ; said the clerk, is there not a drummer ? O, said M'Donald, I forgot him. The bill of indictment being prepared, I went to the Cock at Maidstone, there sat Berry ; said he, how do you do drummer ? I did not recollect him directly, till he put me in mind of my enquiring for Salmon at the Elephant and Castle in Kent-street : he asked me, whether I thought those lads would be convicted ? I said, it appears very plain against them ; he said, if they are not, I must either beg my bread, or go on the highway myself."

*Thomas Sergeant.* (He was shewn the tobacco-box.) I have seen such a one. I made a remark that the unicorn's horn was broke off the box, when M'Donald shewed it me above a year ago ; this I see is broke, as that was. His box has been sent to my house many a time to be filled with tobacco ; it is near a year ago since I saw it : this is like it. M'Donald shewed it me as a piece of curiosity ; saying, here's an old, but curious thing ; I said, it is not perfect now, it wants the horn to the unicorn.

*Henry Serjeant.* I know all the prisoners very well ; I was at the taking them all at the Maidstone

assizes last. M'Donald said I was a young constable, and I should have my share of the reward ; he should take the money, and he would see me paid.

*Q.* What reward did he mean ?

*Serjeant.* The subscription money of our parish, for the two lads that were tried ; I carried them down.

*Q.* Did you produce these goods there ?

*Serjeant.* I did ; I had them of justice Bell, who sent for me, I being constable. The prisoner Berry said, we shall have a good supper if the prisoners are convicted, and if they were not, he thought he must beg his way home. As I was going along the road with Ellis and Kelly to Maidstone, they told me there was one Tom Blee concerned with them in the robbery ; where he lived, and what sort of clothes he wore. I took it down in writing ; the justice desired me to go and take him ; I said I would give directions to a thief-catcher, and applied to Ralph Mitchel, but he refused to act in it.

*Q.* Was you upon the trial ?

*Serjeant.* I was, and Salmon was a witness, as were likewise Egan and M'Donald.

*Q. from Berry.* Did you see me concern myself at all in the affair, or was I upon the back of the bill ?

*Serjeant.* No, he was not ; he had no business there, if he could have trusted his friends with the money ; I heard M'Donald and him both say, they would share the reward.

*Q. to Blee.* You say that Berry gave you a crown, what money was it ?

*Blee.* He gave me a half-crown, and 2s. 6d. that day I went with the lads to Deptford.

The prisoners were now called upon to make their defence, but what they said was so weak and inconsistent, that it is no use inserting it here. They were then asked, if they had any witnesses to call to their character.

*Berry.* Call Henry Warrington. (*He was called but did not appear.*) I have lived 17 years in the yard where this man, James Price, lives ; will you please to call him ?

*Price.* I have known Berry, I believe, five years.

*Court.* What character can you give him?

*Price.* A very bad one, my lord.

*Berry.* Please to ask him what he can say as a stain upon my character?

*Price.* It will hurt you if you insist upon it.

*Q. to M'Donald.* Will you call any witnesses?

*M'Donald.* There is a man that has known me these nine or ten years; and that I have the best of characters; call Mr. Holewright.

*G. Holewright.* I believe I have known M'Donald nine or ten years, or longer; he never did me any injury in his life; but as for his character, I believe it is bad enough.

*Q. to Salmon.* Have you any witnesses to call?

*Salmon.* No, my lord, I have not had time to send for any.

*Q. to Egan.* Have you any witnesses to call?

*Egan.* No, my lord, none of my acquaintance know I am in trouble.

The Jury found them all four guilty, of all the facts charged in the indictment; but whether the facts charged, were within the statutes of the 4th and 5th of Philip and Mary, and the 3d and 4th of William and Mary, they knew not, and therefore prayed the assistance of the court, so it was made special.

This special verdict was afterwards argued by counsel, before the twelve judges, at Serjeants'-inn-hall, in Chancery-lane. Their lordships being of opinion, that the facts charged were not within the statutes of the 4th and 5th of Philip and Mary, and the 3d and 4th of William and Mary, an order was given that they should be indicted for conspiracy, in which the facts with which the prisoners were charged, might be more clearly explained, and they to receive such punishment, as might be inflicted on them by law.

Accordingly, February 28, they were again arraigned at the sessions, at the Old-Bailey, in the mayoralty of Slingsby Bethel, Esq.; upon an indictment for combining and conspiring together, that one Thomas Blee should procure two persons, namely, Peter Kelly and John Ellis, to go to Deptford, in Kent, and to take divers goods and money from the person of the said Salmon, on the king's highway, who should be

waiting there for that purpose ; with intent that they should cause the said two persons to be apprehended and convicted, for robbing the said Salmon, on the king's highway, and so unjustly and wickedly procure to themselves the rewards, mentioned in the act of parliament, proclamation, and other parochial rewards, for the apprehending of highwaymen, July 24, 1754.

Tom Blee, was the chief witness against the prisoners, as he was upon the former trial ; and as the evidence he gave upon both was to the same purport, we shall not trouble the reader with a repetition of it ; but only mention one particular, which Blee swore in this, that he had omitted in his first evidence ; namely, that Berry told him, that when he, Kelly, and Ellis, robbed Salmon, on the Deptford road, he, Berry, lay behind the four mile-stone, and saw the robbery committed.

The prisoners having nothing material to say in their defence, the Jury found them guilty. The sentence pronounced against them by the court was, that they should be imprisoned in Newgate, for the term of seven years ; and in that time, to be each of them set in the pillory twice, in manner following ;—M'Donald and Berry, in Holborn, near Hatton-garden ; Egan, or Gahagan, and Salmon, in the middle of Smithfield. Afterwards M'Donald and Berry at the end of King-street, Cheapside ; and Gahagan and Salmon again in Fleet-street, near Fetter-lane ; and at the end of that time, to find sureties for their good behaviour, for three years, and to pay a fine of one mark each.

Pursuant to their sentence, M'Donald and Berry, on the 5th of March, stood in the pillory in Holborn, near Hatton-garden, and were so severely handled by the populace, that it was with the utmost difficulty, that one of the Sheriffs, and the keeper of Newgate, who stood in a balcony just by, prevented their being utterly destroyed ; and so great was the mob, that the peace-officers found it impossible to protect the prisoners from their fury.

*March 8.* Egan, or Gahagan, and Salmon, stood in the pillory, in the middle of Smithfield rounds ; they were instantly assaulted with showers of oyster-shells,

stones, &c. and had not stood above half an hour, before Gahagan was struck dead ; and Salmon was so dangerously wounded in the head, that it was thought impossible he could recover. Thus, though the law could not find a punishment adequate to the horrid nature of their crimes, yet they met with their deserts from the rage of the people.

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### EUGENE ARAM, FOR MURDER.

At the assizes held for the county of York, Aug. 3d; 1759, Richard Houseman, Eugene Aram, and Henry Terry, were indicted for the murder of Daniel Clarke, in the night between the 7th and 8th of Feb. 1744-5.

Richard Houseman was first tried, but the evidence not being sufficient to convict him he was acquitted.

All accessories or accomplices in murder, in the eye of the law, are deemed principals ; and though the court were convinced, from various circumstances on his trial, that Houseman was some way or other concerned in the fact, yet as there was no direct proof of it, the jury could not find him guilty. Being thus acquitted he was entirely at liberty to give his evidence against Eugene Aram, the principal, who actually committed the murder. The court accordingly admitted him as a witness, and he was sworn to speak the truth.

*Richard Houseman* then gave his evidence, but with such caution and reluctance that it was plain that mere necessity obliged him to accuse a man of a crime in which himself had too near a concern. Besides, he was fearful lest he should involve himself in what he should declare against the partner of his iniquity, and by confessing the fact, which could not be proved against him on his own trial, he should lay himself open to the law, and be again questioned for the crime of which he had been already acquitted ; so that he could not give his evidence with that fullness and clearness as a person quite disinterested would have done.

He was first asked, whether he knew Daniel Clarke of Knaresborough; how long since he was acquainted with him; and whether he could tell any thing concerning the manner of his death?

Houseman answered, that he knew Daniel Clarke very well; that he had been acquainted with him some years before his death, which happened in the beginning of the year 1745.

The Court then asked him, if he did not know in what manner Clarke came by his death? if he did not know or believe he was murdered, and by whom? and particularly whether he was not killed by the prisoner at the bar.

To this Houseman answered, though with a trembling voice, and a visible confusion in his face, that since he was under the sanction of an oath to speak the truth, he would no longer burden his conscience with the concealment of facts which ought long since to have seen the light, and been punished with the utmost rigour of the law. That 'tis true, that in accusing Aram he could not entirely acquit himself; yet since it was the will of heaven that this murder should be discovered, after it had been so long buried in oblivion, he would no longer oppose it by endeavouring to stifle the knowledge of so heinous a crime, or screen the guilty from the stroke of justice. That he did very well remember the time, manner, and occasion of Clarke's death; that it happened in the night between the 7th and 8th of Feb. 1744-5, in this manner, viz. After passing above two hours to and fro between their several houses, in consulting by what ways and means to dispose of the various goods which Clarke had in his possession, and to settle some notes relating thereto, Aram, the prisoner, proposed first to Clarke, and then to him the witness, to take a walk out of town. This was agreed to, and accordingly they walked into a field at a little distance from the town, where there is a cave, well known in that country by the name of St. Robert's Cave. That when they came into the said field, Aram and Clarke went over the hedge towards the cave; and being come within six or eight yards of it, he saw Aram strike Clarke

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EUGENE ARAM.



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several times ; and at last saw him fall, but never saw him afterwards.

The court then asked him what instrument or weapon it was with which Aram struck Clarke ?

Houseman replied, that he saw no weapon or instrument in his hand, and did not know that he had any, so far as he could see at the distance he was from them, and it being likewise in the night, he could not swear positively to a fact of which he was not very certain. That he did not interpose or any way strive to prevent the perpetration of this horrid crime ; nor did he make any noise, call out, or cause an alarm to be made in order to apprehend the criminal and bring him to justice.

Upon which the court asked him why he did not afterwards make a discovery, since he could not but know that he was bound in duty, both to his country and to public justice, to bring such a notorious offender to condign punishment ?

His answer was, that Aram threatened to take away his life if he made any discovery.

From a view of Houseman's evidence it is not improbable to suppose that Clarke's death was previously concerted between them ; and that their end in perpetrating it was, to make themselves entirely masters of all the goods in Clarke's possession. This appears plain enough from their settling and adjusting their accounts at home, and then persuading the unhappy man to take a walk in the fields in the night.

In order to corroborate Houseman's evidence, by other concurring circumstances, several other witnesses were called. The first was the man (whose name we do not recollect) who made the first discovery : he deposed,

That in digging for lime-stone, near the place called St. Robert's Cave, he found the bones of a human body. Wondering how this should come to pass, and why a body should be buried in such a lonely place, he began to suspect that some person had been murdered and buried there, the better to conceal it from the knowledge of the public. On his return to town he told several persons of the affair ; so that at length it became the subject of common conversation. This occasioned various conjectures and suspicions ; and among the rest it was remembered, that about fifteen years ago, one Daniel Clarke had absented himself all of a sudden, and had never been

seen or heard of since. Upon this some of them recollect that they had heard a woman in the town declare, that she had it in her power to hang her husband (who had been absent from her several years) and some others in that neighbourhood.

Other witnesses were then called to prove that Daniel Clarke did buy upon credit, and likewise borrow among his friends and acquaintance, a large quantity of silver plate, jewels, watches, rings, &c. One, that he sold him a large silver tankard, another a silver pepper-box, milk-pot, saucers, spoons, &c. pretending that a merchant of London had sent him an order to buy as much silver plate as he could, it being designed for exportation. And as they knew Clarke very well they had no reason to suspect his veracity, his character as an honest man having never been called in question. They therefore gave him the credit he desired, upon his promise that he would pay for the goods as soon as he should have a remittance from the merchant, which would be as soon as he received them.

As to those whose watches or other curiosities he borrowed, he pretended it was only to take patterns of them for the best fashions, by which he might direct the making of others, which some gentlemen of his acquaintance had ordered him to get finished in the best and newest mode. They having no reason to suspect him of any ill design, made no scruple to oblige him with what he wanted.

All of them agreed in this, that none of them had the least suspicion of his intentions to defraud them till his sudden disappearance in the month of February, 1744-5. Then indeed they all concluded he was gone off with their effects, and that he had laid this scheme for that very purpose; and as he had never been heard of since that time, it was the general opinion he was gone a voyage to some foreign country in order to dispose of those goods he had so wickedly defrauded them of.

This was the substance of the evidence given by these witnesses; which, though only circumstantial, yet was sufficient to corroborate that given by Houseman, who only was witness to the fact itself, and saw the prisoner commit the murder.

From the whole it manifestly appeared, and the Court and Jury were entirely satisfied, that the bones of the human body, which were found in the obscure place abovementioned, was the body of Daniel Clarke, who had been murdered, and there buried by Eugene Aram, the prisoner, at the time and manner specified in the indictment.

Aram, indeed, asked the witnesses several questions, to try if, by their answers, he could invalidate their evidence : but they were all uniform and consistent with each other, and with themselves. Particularly as to Houseman, Aram desired he might be asked how he could be so positive as to swear that he saw him strike Clarke, when he himself allows that this was all done in the night, in the depth of winter, in the month of February, when every body knows the nights are very dark?

To this Houseman answered, that though this was done in the night, yet the moon was then up, and though by the interposition of clouds, she did not give much light, yet it was light enough to distinguish objects at a small distance, though not very distinctly, and he could see by the motion of his hand, that he was striking Clarke, though he could not perceive the weapon with which he struck him.

Aram then desired he might be asked, at what distance he was from him, when he saw him strike Clarke ?

Houseman answered, that to the best of his judgment and recollection, he believes that Aram and Clarke were about ten or a dozen yards on the other side of the hedge when he saw him strike Clarke, who fell under his blows.

Another question Aram desired might be put to Houseman was, why he did not go over the hedge into the field along with him and Clarke, since they came out together, and had no business to talk of but what concerned them all ?

This was a shrewd question, a true and direct answer to which might possibly have affected the witness too much ; to say that he knew what Aram's design was, and that he staid behind on purpose to give him an opportunity to effect what he was about, would

have been to confess himself an accessory. And therefore he humbly hoped the court would not oblige him to answer a question, the answer to which might imply an accusation of himself, and might have a tendency to bring his own life in danger. And the court, who saw plainly enough through the tendency of the question, freed him from the embarrassment, by giving him the liberty not to answer it, if he foresaw that by it he should be forced to accuse himself, which the law obliges no man to do.

The prisoner was then asked if he had any witnesses, or whether he had any thing to offer in his own defence?

Aram answered, that it was impossible for him, after so long an interval as had passed since the commission of the fact with which he was charged, to produce any witnesses in his justification. That those who could have been of use to him on this occasion, were either dead, or so dispersed about the kingdom that he knew not where to find them ; but hoped the court would consider, that all the evidence against him was no more than circumstantial, except that of Houseman, who, it plainly appeared, was an accessory to the fact, though he had been acquitted ; and therefore submitted it to the court, whether his evidence ought to be of any weight with the jury.

The jury found him Guilty. *Death* ; but acquitted Terry, against whom the proof was not sufficient to fix the crime upon him.

The defence which Aram read in court, being in much better language than is often heard under criminal prosecutions, we have here given it.

“ **MY LORD.**

“ I know not whether it is of right, or through some indulgence of your lordship, that I am allowed the liberty at this bar, and at this time, to attempt a defence ; incapable, and uninstructed, as I am to speak, since, while I see so many eyes upon me, so numerous and awful a concourse, fixed with attention, and filled with I know not what expectancy, I labour not with guilt, my lord, but with perplexity. For having never seen a court but this, being wholly unacquainted with law, the customs of the bar, and all judiciary proceedings, I fear I shall be so little capable of speaking with propriety in this place, that it exceeds my hope if I shall be able to speak at all.

“ I have heard, my lord, the indictment read, wherein I find myself charged with the highest crime ; with an enormity I am alto-

ther incapable of ; a fact, to the commission of which there goes far more insensibility of heart, more profligacy of morals, than ever fell to my lot. And nothing possibly could have admitted a presumption of this nature, but a depravity not inferior to that imputed to me. However, as I stand indicted at your lordship's bar, and have heard what is called evidence induced in support of such a charge, I very humbly solicit your lordship's patience, and beg the hearing of this respectable audience, while I, single and unskilful, destitute of friends, and unassisted by counsel, say something, perhaps, like argument, in my defence. I shall consume but little of your lordship's time ; what I have to say will be short, and this brevity, probably, will be the best part of it ; however, it is offered with all possible regard, and the greatest submission to your lordship's consideration, and that of this honourable court.

" First, my lord, the whole tenor of my conduct in life contradicts every particular of this indictment. Yet I had never said this, did not my present circumstances extort it from me, and seem to make it necessary. Permit me here, my lord, to call upon malignity itself, so long and cruelly busied in this prosecution, to charge upon me any immorality of which prejudice was not the author. No, my lord, I concerted not schemes of fraud, projected no violence, injured no man's person or property. My days were honestly laborious, my nights intensely studious. And I humbly conceive my notice of this, especially at this time, will not be thought impertinent or unseasonable ; but, at least, deserving some attention : because, my lord, that any person, after a temperate use of life, a series of thinking and acting regularly, and without one single deviation from sobriety, should plunge into the very depth of profligacy, precipitately and at once, is altogether improbable and unprecedented, and absolutely inconsistent with the course of things. Mankind is never corrupted at once ; villainy is always progressive, and declines from right, step after step, till every regard of probity is lost, and every sense of all moral obligations totally perishes.

" Again, my lord, a suspicion of this kind, which nothing but malevolence could entertain, and ignorance propagate, is violently opposed by my very situation at that time, with respect to health ; for, but a little space before, I had been confined to my bed, and suffered under a very long and severe disorder, and was not able, for half a year together, so much as to walk. The distemper left me indeed, yet slowly and in part ; but so macerated, so enfeebled, that I was reduced to crutches ; and was so far from being well about the time I am charged with this fact, that I never to this day perfectly recovered. Could then a person in this condition take any thing into his head so unlikely, so extravagant ? I, past the vigour of my age, feeble and valetudinary, with no inducement to engage, no ability to accomplish, no weapon wherewith to perpetrate such a fact ; without interest, without power, without motive, without means.

" Besides, it must needs occur to every one, that an action of this atrocious nature is never heard of, but, when its springs are laid open, it appears that it was to support some indolence, or supply some luxury, to satisfy some avarice, or oblige some malice ; to

prevent some real, or some imaginary want. Yet I lay not under the influence of any one of these. Surely, my lord; I may, consistent with both truth and modesty, affirm thus much ; and none who have any veracity, and knew me, will ever question this.

" In the second place, the disappearance of Clarke is suggested as an argument of his being dead ; but the uncertainty of such an inference from that, and the fallibility of all conclusions of such a sort, from such a circumstance, are too obvious, and too notorious, to require instances ; yet, superseding many, permit me to produce a very recent one ; and that afforded by this castle.

" In June, 1757, William Thompson, for all the vigilance of this place, in open day-light, and double ironed, made his escape ; and, notwithstanding an immediate enquiry set on foot, the strictest search, and all advertisement, was never seen or heard of since. If then Thompson got off unseen, through all these difficulties, how very easy was it for Clarke, when none of them opposed him ? but what would be thought of a prosecution commenced against any one seen last with Thompson ?

" Permit me, next, my lord, to observe a little upon the bones which have been discovered. It is said, which, perhaps, is saying very far, that these are the skeleton of a man. It is possible indeed it may ; but is there any certain known criterion, which incontestibly distinguishes the sex in human bones ? let it be considered, my lord, whether the ascertaining of this point ought not to precede any attempt to identify them.

" The place of their depositum too claims much more attention than is commonly bestowed upon it ; for, of all places in the world, none could have mentioned any one, wherein there was greater certainty of finding human bones than a hermitage ; except he should point out a church-yard ; hermitages, in time past, being not only places of religious retirement, but of burial too. And it has scarce or never been heard of, but that every cell, now known, contains, or contained, these relicts of humanity ; some mutilated and some entire. I do not inform, but give me leave to remind, your lordship, that here sat solitary sanctity, and here the hermit, or the anchoress hoped that repose for their bones, when dead, they here enjoyed when living.

" All this while, my lord, I am sensible this is known to your lordship, and many in this court, better than I. But it seems necessary to my case that others, who have not at all, perhaps, adverted to things of this nature, and may have concern in my trial, should be made acquainted with it. Suffer me then, my lord, to produce a few of many evidences, that these cells were used as repositories of the dead, and to enumerate a few, in which human bones have been found, as it happened in this in question ; lest, to some, that accident might seem extraordinary, and, consequently, occasion prejudice.

" 1. The bones, as was supposed, of the Saxon St. Dubritius, were discovered buried in his cell at Guy's Cliff, near Warwick, as appears from the authority of Sir William Dugdale.

" 2. The bones, thought to be those of the anchoress, Rosia, were but lately discovered in a cell at Royston, entire, fair, and undecayed, though they must have lain interred for several centuries, as is proved by Dr. Stukely.

" 3. But our own country, nay, almost this neighbourhood, supplies another instance; for in January, 1747, was found, by Mr. Stovin, accompanied by a reverend gentleman, the bones, in part, of some recluse, in the cell at Lindholm, near Hatfield. They were believed to be those of William of Lindholm, a hermit, who had long made this cave his habitation.

" 4. In February, 1744, part of Woburn Abbey being pulled down, a large portion of a corse appeared, even with the flesh on, and which bore cutting with a knife; though it is certain this had lain above 200 years, and how much longer is doubtful; for this abbey was founded in 1145, and dissolved in 1538 or 9.

" What would have been said, what believed, if this had been the case with the bones in question?

" Farther, my lord, it is not yet out of living memory that a little distance from Knaresborough, in a field, part of the manor of the worthy and patriot baronet, who does that borough the honour to represent it in parliament, were found, in digging for gravel, not one human skeleton only, but five or six, deposited side by side, with each an urn placed at its head, as your lordship knows was usual in ancient interments.

" About the same time, and in another field, almost close to this borough, was discovered also, in searching for gravel, another human skeleton; but the piety of the same worthy gentleman ordered both the pits to be filled up again, commendably unwilling to disturb the dead.

" Is the finding of these bones forgotten, then, or industriously concealed, that the discovery of those in question may appear the more singular and extraordinary? whereas, in fact, there is nothing extraordinary in it. My lord, almost every place conceals such remains. In fields, in hills, in highway sides, in commons, lie frequent and unsuspected bones. And our present allotments for rest for the departed are but of some centuries standing.

" Another particular seems not to claim a little of your lordship's notice, and that of the gentlemen of the jury; which is, that perhaps no example occurs of more than one skeleton being found in one cell: and in the cell in question was found but one; agreeable, in this, to the peculiarity of every other known cell in Britain. Not the finding of one-skeleton, then, but of two, would have appeared suspicious and uncommon.

" But it seems another skeleton has been discovered by some labourer, which was full as confidently averred to be Clarke's as this. My lord, must some of the living, if it promotes some interest, be made answerable for all the bones that earth has concealed, and chance exposed? and might not a place where bones lay be mentioned by a person by chance, as well as found by a labourer by chance? or is it more criminal accidentally to name where bones lie, than accidentally to find where they lie?

" Here, too, is a human skull produced, which is fractured; but was this the cause, or was it the consequence of death; was it owing to violence, or was it the effect of natural decay? if it was violence, was that violence before or after death? My lord, in May, 1732, the remains of William, lord archbishop of this province, were taken up, by permission, in this cathedral, and the bones and skull were

found broken ; yet certainly he died by no violence offered to him alive, that could occasion that fracture there.

" Let it be considered, my lord, that upon the dissolution of religious houses, and the commencement of the Reformation, the ravages of those times both affected the living and the dead. In search after imaginary treasures, coffins were broken up, graves and vaults dug open, monuments ransacked, and shrines demolished : especially about the beginning of the reign of Queen Elizabeth. I entreat your lordship suffer not the violences, the depredations, and the iniquities of those times, to be imputed to this.

" Moreover, what gentleman here is ignorant that Knaresborough had a castle ; which, though now a ruin, was once considerable both for its strength and garrison ? All know it was vigorously besieged by the arms of the parliament ; at which siege, in sallies, conflicts, flights, pursuits, many fell in all the places round it ; and where they fell were buried ; for every place, my lord, is burial earth in war ; and many, questionless, of these, rest yet unknown, whose bones futurity shall discover.

" I hope, with all imaginable submission, that what has been said will not be thought impertinent to this indictment ; and that it will be far from the wisdom, the learning, and the integrity of this place, to impute to the living what zeal in its fury may have done ; what nature may have taken off, and piety interred ; or what war alone may have destroyed, alone deposited.

" As to the circumstances that have been raked together, I have nothing to observe ; but that all circumstances whatsoever are precarious, and have been but too frequently found lamentably fallible ; even the strongest have failed. They may rise to the utmost degree of probability ; yet are they but probability still. Why need I name to your lordship the two Harrisons recorded by Dr. Howel, who both suffered upon circumstances, because of the sudden disappearance of their lodger, in credit, had contracted debts, borrowed money, and went off unseen, and returned a great many years after their execution. Why name the intricate affair of Jaques du Moulin, under King Charles II. related by a gentleman who was counsel for the crown : and why the unhappy Coleman, who suffered innocent, though convicted on positive evidence, and whose children perished for want, because the world uncharitably believed the father guilty. Why mention the perjury of Smith, incautiously admitted king's evidence ; who, to screen himself, equally accused Faircloth and Loveday of the murder of Dunn ; the first of whom, in 1749, was executed at Winchester ; and Loveday was about to suffer at Reading, had not Smith been proved perjured, to the satisfaction of the court, by the surgeon of the Gosport hospital.

" Now, my lord, having endeavoured to show that the whole of this process is altogether repugnant to every part of my life ; that it is inconsistent with the condition of my health about that time ; that no rational inference can be drawn, that a person is dead who suddenly disappears ; that hermitages were the constant repositories of the bones of the recluse ; that the revolutions in religion, or the fortune of war, has mangled, or buried, the dead ; the conclusion remains perhaps, no less reasonably than impatiently wished for. I, last, after a year's confinement, equal to either fortune, put myself

upon the candour, the justice, and the humanity of your lordship, and upon your's, my countrymen, gentlemen of the jury."

Being returned to the prison, he could not be prevailed upon to make any other confession than that he justly deserved the punishment the law had denounced against him. And in the morning of execution, the keeper going to his cell to bring him out, found him almost expiring, having with a razor cut his left arm above the elbow, and a little above the wrist, but missed the artery; by which means he had lost so much blood, that he was rendered very weak. A surgeon was sent for who presently stopped the bleeding, and he was carried to the place of execution; where, though quite sensible, he was yet so feeble that he could not stand; a clergyman prayed with him, but being in so weak a condition, he was incapable of giving any attention. He was then executed, and his body carried to Knaresborough Forest, where it was hung in chains, in that part of it which is nearest to the town.

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### EARL FERRERS, CONVICTED OF MURDER.

LAURENCE EARL FERRERS was descended from a very ancient and honourable family, many of whose branches have been distinguished for their virtues, their loyalty, and their valour. Nor would this unfortunate earl have been any disgrace to his ancestors, had not he in his early youth imbibed the vices of the age, particularly drunkenness, which inflamed his passions, and armed him with a brutal fury, for he was a very sensible man when sober, and even on his trial discovered very acute and penetrating parts, and a mind remarkably retentive.

In the year 1752 he married the youngest daughter of Sir William Meredith; but his cruel usage of this worthy lady, remarkable for the mildness of her disposition, and the most engaging sweetness of manners, obliged her to apply to parliament for redress; and accordingly an act was passed, about two years after, by which they were separated.

But drunkenness was not his lordship's only vice ; he even made it subservient to others ; for when sober he was continually laying schemes to mortify others, and to be revenged on those who had affronted him, which he executed when in liquor, as then he thought himself less liable to censure.

In the year 1756, his lordship was at Derbyshire races, when he ran his mare against a horse belonging to Capt. M——, for 50l. which he had the pleasure to win. On their returning from the races, they, with some other gentlemen, spent the evening together, and drank very freely. While the glass was passing round, the captain having heard that his lordship's mare was with foal, jocosely said he would run his horse against his lordship's mare at the end of seven months. His lordship imagining this was a scheme laid to impose upon him, flew into a rage, a quarrel arose, and he left Derby about three o'clock in the morning, to go to his own seat at Stanton in Leicestershire, and on his arrival there immediately went to bed. But he did not design that the affair should end thus. At eight o'clock in the morning he rang his bell for a servant ; and one of them entering the room, he asked if he knew how captain M—— came to be informed that his mare was with foal, by which he had like to have been drawn in for another wager ? the servant replied, he could not tell, unless it was from the groom, who was thereupon sent for, but denied the fact. His lordship the evening before had engaged the captain and other gentlemen to dine with him that day, and a servant was now sent to remind them of their promise ; his lordship swearing that they had used him ill, and he was resolved to invent some scheme to be revenged of them before they left his house. The servant went accordingly, but they were so disgusted with his lordship's behaviour, that they would not come near him. Enraged at this disappointment of his revenge, he now flew to his servants, and beat them all in their turns with his horsewhip, kicking, and throwing any thing at their heads that came in his way.

The earl having once sent for a barrel of oysters from London, which not proving good, he ordered one

of his servants to swear that the carrier had changed them ; but the honest man immediately replying, that it was impossible for him to take such an oath, the earl flew in a rage, stabbed him suddenly in the breast with a knife, knocked him down with a blow on the head with a candlestick, and kicked him on the groin with such violence, that for some time he was unable to hold his water ; and at particular times felt the effects of the blow on his head.

Captain Shirley and his wife paying a visit to the earl and countess at Stanton, the earl one night quarrelled with his brother the captain, and suddenly leaving the room, ran up stairs with a large clasp knife in his hand, which he usually carried about him. Meeting one of the servants, he asked where his lady was, and was told he believed she was in her room. The earl soon after ordered him to come into the room to him, which he had no sooner done, than he bid him load a pair of pistols with a brace of bullets in each. The servant obeyed, but the apprehension of the mischief the earl might do with them, prevented his priming them. He gave them to the earl, who finding them unprimed, damn'd him, and primed them himself. Which he had no sooner done than he told the servant, that he would blow out his brains if he did not immediately go down and shoot his brother the captain ; when the man hesitating at this dreadful alternative, his lordship clapped one of the pistols to his breast, and snapped it at him, but it happily missed fire. The countess instantly fell on her knees, and with tears in her eyes, begged his lordship to be pacified, but in return he damn'd her, and holding one of the pistols at her head, swore he would blow her brains out if she interrupted him. Meanwhile the servant, slipping out of the room, went down into the parlour, and informed the captain of his brother's inhuman intention. At this news, the captain went up stairs to his lady, who was gone to bed, and desired her to get up, which she did, and though it was two o'clock in the morning, they both left the house immediately.

Mr. Johnson, the person who felt the destructive effects of his unbounded fury, had been employed

by the Ferrars family from his youth, and was always remarkably exact and regular in his accounts. When the act of parliament passed for separating lord and lady Ferrers, Mr. Johnson was proposed as receiver to the estate; but refused to undertake it, till he was requested by his lordship to act in that capacity.

But this favour did not long continue; whether his lordship's suspicious temper made him believe that the man was unfaithful, or whether he hoped to prevail on him to break the trust he had undertaken, occasioned this change in his lordship's sentiments, is uncertain. His behaviour, however, soon shewed, that his good opinion was converted into malice, and his friendship into hatred.

Mr. Johnson had for some time enjoyed a beneficial farm under the earl; and the first intimation of his lordship's displeasure, was, by notice sent him to quit his farm; but Mr. Johnson having obtained a lease from the trustees, the earl desisted from the attempt.

This disappointment, added to a suspicion entertained by his lordship that Mr. Johnson had entered into an agreement with Messrs. Burslem and Cursan, to disappoint him with regard to a certain contract for coal-mines, so greatly incensed his lordship, that he determined to put an end to his life.

Thus resolved, he took every precaution to prevent being disappointed; and he so effectually concealed his resentment under the veil of an affable behaviour, that the unfortunate person, designed to fall a victim to his revenge, was entirely deceived: and even flattered himself that his lordship was again his friend.

On Sunday, the 13th of January, 1760, his lordship called on Mr. Johnson at his house, and appointed him to come to his seat at Stanton, on the Friday following, between three and four in the evening.

In the interval, the earl took care, that at the time Mr. Johnson was expected, the house should be as empty as possible; his two men-servants, being all his lordship kept of that sex, were sent out of the way; and at three, Mrs. Clifford and the four children were ordered to walk to her father's, about two miles from Stanton, so that only three maid servants were in the house at the time appointed for this meeting.

Mr. Johnson was punctual to his promise, repaired to Stanton, and was let in by one of the maids. After waiting some time, his lordship called him into his apartment, immediately locked the door, and soon after shot him with a pistol, of which wound he afterwards died.

As soon as his lordship had committed this cruel action, he called the maid-servants, and ordered them to lead Mr. Johnson up stairs, and put him to bed ; thinking as he was not killed on the spot, there were hopes of his recovery. He also sent a servant to one Mr. Kirkland, a surgeon, and another for Mr. Johnson's children, pursuant to the request of the dying man, who earnestly desired to see them.

When the surgeon arrived, he desired him to take all possible care of him ; but would not consent to his being removed to his own house. The surgeon examined the wound ; and, though convinced that it was mortal, thought it most advisable to flatter his lordship, lest he himself should suffer the same fate. But being persuaded that Mr. Johnson, who was of a very weak constitution, would not live 24 hours, thought it most advisable to remove him from Stanton, as soon as his lordship was gone to bed. Accordingly, Mr. Kirkland, with the assistance of six or seven men, removed him to his own house, about two in the morning, where he languished till nine, and then died.

The surgeon being convinced that Mr. Johnson was a dying man left him, in order to procure a number of armed men to seize the earl ; who came to Stanton just as his lordship had left his bed, and was going towards the stable with his garters in his hand ; but on seeing the posse, he fled to his house, and was not taken till near six. After which he was conveyed to Leicester gaol, and from thence to the Tower of London, tried by his peers, found guilty of murder, and ordered for execution the 5th of May.

During the time his lordship was in the Tower he was for the most part calm ; but would sometimes start, and hastily unbrace his waistcoat, and indicate by other gestures that his mind was disturbed.

A few days before the time appointed for his execution his lordship sent for his wardrobe, and chose out

of it a white suit, richly laced and embroidered with silver, saying, this is the suit in which I was married, and in which I will die.

On the 5th of May, the day fixed for his execution, at nine in the morning, the two Sheriffs of London, attended by their officers, appeared at the Tower-gate, which being told to his lordship he sent to desire them to let him go in his own landau, which was waiting for him, which he chose rather than a mourning coach. This was granted, and he stepped into the landau, attended by the Rev. Mr. Humphries, Chaplain of the Tower. On their coming to the gate Mr. Sheriff Vail-lant joined them, and seating himself by his lordship, politely observed, that it gave him the highest concern to wait upon him on so melancholy an occasion, adding, that he would do every thing in his power to render his situation as agreeable as possible ; and hoped his lordship would impute it to the necessary discharge of his duty.

The procession then began, and proceeded through a numerous crowd of spectators, and passed through the city in the way to Tyburn. In their passage his lordship asked Mr. Vaillant if he had ever seen so great a concourse of people ? and upon his answering in the negative, he rejoined, I suppose it is because they never saw a lord hanged before. He then observed, that he had wrote to his Majesty to desire that he might suffer within the walls of the Tower, as his ancestor the Earl of Essex had done ; a favour he had the greater hopes of obtaining as he had the honour of quartering part of the same arms, and of being allied to his Majesty ; adding, that he thought it was hard that he must die at the place appointed for the execution of common felons.

The chaplain took occasion to observe, that the world would naturally be inquisitive about his lordship's religion. To this he replied, that he did not think himself accountable to the world for his sentiments on religion ; but that he always believed one God, the maker of all things. But whatever were his notions he had never propagated them.—That all countries had a form of religion, by which the people were governed, and whoever disturbed them in it he



EXECUTION OF THE EARL FERRERS 1760.

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considered as an enemy to society.—If he was wrong in his way of thinking he was sorry for it. That he thought the Lord Bolingbroke to blame for permitting his sentiments on religion to be published to the world.—That the many sects and disputes about religion had almost turned morality out of doors ; and that he could never believe what some sectaries taught, that faith alone would save mankind, so that if a man, just before his death, should only say, I believe, that alone would save him.

With respect to the death of Mr. Johnson, his lordship said, he was under peculiar circumstances, and had met with so many crosses and vexations that he scarce knew what he did ; and solemnly protested that he had not the least malice against him.

As his lordship's passage from the Tower to Tyburn took up almost three hours, he often expressed his desire at being at the end of his journey ; observing that the apparatus of death, and the passing through such crowds of people, were ten times worse than death itself.

In the way his lordship expressed his desire of having a glass of wine and water ; but on Mr. Valliant's observing, that his stopping would draw a greater crowd about him, he immediately replied, that's true, I say no more ; let us by no means stop.

On approaching the place of execution, near which his mistress waited in a coach, his lordship observed, that he should be glad to take his last leave of a person for whom he had a sincere regard : the Sheriff dissuaded him from it, lest the sight of her should unman him, and disarm him of the fortitude he possessed. The weight of this reason the earl very readily acknowledged, and, without hesitation, mildly replied, if you, sir, think I am wrong, I submit. And upon Mr. Vaillant's offering to deliver any thing to her he should entrust him with for her use, he gave him a pocket-book, in which was a bank-note, a ring, and a purse of guineas, to deliver to her, which he afterwards did.

They reached the place of execution about a quarter before twelve, where they were received by another party of horse grenadiers and foot, who had formed a

large circle round the gallows, which was covered with black baize, as was also a square scaffold, erected and railed round it. His lordship walked up the stairs with great composure and fortitude, with his hat in his hand, when, after a pause of a few moments, Mr. Humphries asked, if he chose to say prayers? but this he declined; upon which the Chaplain asking him if he did not chuse to join with him in saying the Lord's prayer? he readily said that he would, for he always thought that a very fine prayer. They therefore kneeled down upon two cushions, covered with black baize, and his lordship, with an audible voice, repeated the Lord's prayer, and afterwards with great energy cried, O God, forgive me all my errors—pardon all my sins. Then rising, he took leave of the Sheriffs and Chaplain, thanked them for the civility they had shewn him, and made Mr. Vaillant a present of his watch. His lordship then (by mistake) gave five guineas to the executioner's assistant; which was immediately after demanded by the master; but the fellow refused to deliver it, and a dispute ensued, which might have discomposed his lordship, had not Mr. Vaillant instantly silenced them. The executioner then proceeded to do his duty, his lordship submitted with great resignation. His neckcloth being taken off, a white cap, which his lordship brought in his pocket, was put on his head; his arms were secured with a black sash, and the halter, which was a common one, was put round his neck. He then mounted a part of the scaffold, raised eighteen inches higher than the rest, and the signal being given by the Sheriff, that part of the floor sunk under him to a level with the rest, and he remained suspended in the air. He struggled for a few moments, but was soon dispatched by the pressure of the executioner, and having hung an hour and five minutes the body was cut down; the shell being raised it was dropped into it, and carried by the men to the hearse. After which it was conveyed by the Sheriffs, with the same procession, to Surgeons' Hall, to undergo the remainder of the sentence.

His lordship was only about eight minutes on the scaffold before his execution; he stood, to all appearance, unmoved at the approach of death, and, with-

out the least change of countenance or faltering of his voice, viewed the awful preparations for depriving him of life. The spectators, struck with the novelty of seeing a peer of Great Britain in such a situation, doomed to death for the dreadful crime of murder, and suffering like a common malefactor for taking the life of one of their own rank, beheld him with a respectful silence, mixed with pity, and while they commiserated his fate almost forgot his crime.

The body was brought from Tyburn in a coffin lined with white satin ; his hat and the halter lay at the feet, and upon the lid was a plate with these words, Laurence, Earl Ferrers, suffered May 5th, 1760.

The surgeons made a large incision from the neck to the bottom of the thorax, or breast, and another across the throat ; the abdomen was laid open and the bowels taken out. Upon this occasion the surgeons declared that the entrails were remarkably sound, and that in their whole practice they never saw in any subject so great signs of long life.

It would be unjust to the memory of his lordship to conclude these memoirs without noticing that, besides the large sum he left the children of the late Mr. Johnson, he is said to have repaired, as much as possible, the faults he had committed, by generously giving handsome sums to those whom, in the heat of passion, he had injured. And in all probability, had not this unhappy peer early imbibed prejudices against the christian religion, he had proved a worthy member of society ; and, instead of suffering an ignominious death, have lived the ornament of his family, the delight of his friends, and a blessing to mankind.

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#### JOHN PERROTT, BANKRUPT, FOR CONCEALING HIS EFFECTS.

JOHN PERROTT, merchant, was indicted for that having become a bankrupt he did conceal, embezzle, and remove his effects, to above the value of 20l.

*Anthony Bancroft*, to prove the prisoner a bank-

rupt, deposed, that he kept a linen-draper's shop on Ludgate Hill ; and that he was indebted to Mr. William Hewitt to above 1000l.

*John Allison* deposed that he had carried a quantity of goods from Mr. Hewitt, and delivered them to him.

*Christopher Harrison* deposed that he went to the prisoner's house on the 17th of January, 1760, and on the 18th Mr. Perrott spoke to his apprentice, Richard Bagley, and desired him, if Mr. Hewitt called, to say he was not at home. He likewise spoke to me, and desired I would let nobody go up stairs ; he was afraid of being arrested. Mr. Hewitt called, and asked if Mr. Perrott was at home ; Bagley said he was out, and he was then up stairs. I was sent there by Mr. Maynard and Mr. Hewitt. Being asked if the denial was in order to a commission, answered, he could not say : that he had seen Mr. Hewitt and Mr. Perrott talking together in the farther warehouse ; Mr. Hewitt went away, and Mr. Perrott came to Bagley, and bid him, if any body called, to deny him ; and I did deny him to Mr. Buck, who is a large creditor.

On his first examination before the Commissioners, it appeared that on a true state of his accounts, between debtor and creditor, there was a deficiency of 13,513l. and was then required to give a true and particular account of what was become of the same, and how applied.

He then made the following confession :—

" That about six years ago he became acquainted with Sarah Powell, otherwise Taylor, who lately lived at Weybridge, in Surrey, but at the time he became acquainted with her, she lodged at Mr. Serjant's, an excise-officer, in Coldbath Fields ; says, that the said Sarah Powell was then about twenty-five years of age, the daughter of a clergymen in the west of England : that about ten months ago, and since his confinement in Newgate, was informed that the said Sarah Powell was then dead : says, that from the time he became acquainted with her to the time of his being committed under this commission, there continued a familiar intercourse between them, during which time he expended several sums of money : says, that from Christmas, 1758, to Christmas, 1759, he expended upon, paid or remitted to the said Sarah Powell, the sum of 500l. at several times, which he sent to her in cash and bank-notes, when she was at Bath or Weybridge. Says, that he never drew upon his banker for any of those sums, but received them from one Henry Thompson,

since deceased, who was employed by him to sell goods for him : says, that the said Sarah Powell kept a house at Bath, but do not know whether she kept any carriage during her stay there or not ; she was attended by a man and a maid servant : that the said Sarah Powell returned from Bath to Weybridge about the latter end of January, 1760, where she died in April following : says, that from the time she returned to Weybridge to the time of his commitment to Newgate, he never went to see her but once, when she was extremely ill and dying of a consumption : that the said Sarah Powell then knew that this deponent was a bankrupt, but never offered to return him any part of the money he had so given, and remitted to her ; neither did he ask her what she had done with the same, nor how she intended to dispose of her effects after her death: says, he kept no particular account or memorandum whatever of the payment and remittances so remitted to her. The reason of his making such remittances to her was, her complaints to him, by letters, that the places where she resided were very expensive ; and though he thought her demands very extravagant yet he made her the remittances aforesaid, in order to enable her to defray such expences, and not with a view to establish a fund for her future support, or wherefrom he could draw any advantage. That all the letters except one or two, he had received from her during his acquaintance with her, he had burnt and destroyed: says, that the reason for not disclosing the transactions between him and her before was, it was her dying request that he would not expose her to the world: says, that during the said year, 1759, when he made such remittances to her, he knew he was not worth any thing, and that he was remitting to her his creditors' money, and that such remittances were not made in hopes of receiving back any reward therefrom. Says, that the said Henry Thompson informed him, that he sold the goods of this deponent from which the money so paid, and remitted to the said Sarah Powell arose, to the several persons following, among others, namely, to Sir Samuel Fludyer, Mr. Mabbs, in Smithfield, Mr. Whiting, in Cheapside, and Mr. Pierpoint, of the same : that the said Henry Thompson kept no particular account of the monies raised by him, by the sale of such goods for the use of this deponent as aforesaid. Says, that during the first year of his acquaintance with the said Sarah Powell she might cost him the sum of 100l. but cannot recollect any of the particulars thereof ; neither can he give any particular account what he expended upon her the second, third, and fourth year of their acquaintance, the same familiarity and intercourse subsisting all the time as in the year 1759.

“ JOHN PERROTT.”

The counsel then charged him with thirteen notes, and called witnesses to prove that they were found in his custody.

*Robert Brown.* I was messenger to this commission, and employed to make search in Newgate for any concealed effects of the prisoner ; it was June 25, 1761. Mr. Hewitt and Mr. Salkeld went with me.

Upon examining an old trunk in his room, I found a bit of cloth tied up with white tape; I cut it, and found something pretty thick in it, it was a bit of silk tied up; I opened it, and found five half bank notes. I seeing some old print upon one of them, looked at it, and said, I am sure this is not for less than a thousand pounds, because I could see the end of the word thousand, it can be no other word. I delivered these five half bank-notes to Mr. Hewitt. From Newgate I went to Mrs. Fearne's with a search warrant; I had searched there before, but I made a second search, and found a note of hand for 1200l. The gentlemen with me told me they found some half bank-notes there.

Mr. *Hewit* confirmed the evidence of Mr. Brown, and added, here is part of the word *Martin* on one of the notes; here is *rtin Matthias*, or bearer, 30 June 60.

*Gideon Maynard.* I took these half notes out of a little box in Mrs. Ferne's apartment: she was a little riotous, and did not wish that I should take possession of them. I put them into the constable's hands. Here are five half bank notes. Four of them tally with those found in Newgate. I did not find the other half of the thousand pound note. We carried Mrs. Ferne to justice Fielding's, and I believe these half notes are entered in his book.

*William Stears.* I am clerk at the bank; there were three notes made out in the name of Martin Matthias, and given in lieu of thirteen notes, brought into the bank by Martin Matthias; I have them here. And for those thirteen notes there were three notes made out for the same value. They amounted to 2100l. the three notes were two for 1000l. each, and one for 100l.; one of a thousand, and one of a hundred, I paid since. Here is James Cotes on the face of the thousand pounds, but nothing on the face of the hundred pound note. There were no other notes made out on the 30th of June, but these three, in the name of Martin Matthias. Of these three notes there remains one of 1000l. unpaid.

*Charles Smith.* I sent my servant to the Bank with a thousand pound bank note to change, which I received from Mrs. Ferne.

Charles Husband, at least one or other of the persons particularly after mentioned, or more of them, did immediately drop to the ground, having received a mortal wound or wounds, whereof they soon after died; and by his said example and command, several of the said guard, to the number of twenty, less or more, did at the same time with him, or soon after him, fire upon the innocent multitude, whereby all, or one or more of the following persons received mortal wounds, whereof they soon after died, viz. Archibald Ballantyne, son to John Ballantyne younger, dyster in Dalkeith, received several wounds, with bullets or large drops of lead, which pierced into his body, at least a mortal wound or wounds in his head or body, whereof he died a few days thereafter; and John Anderson, son to George Anderson in Craighead, drover, received a wound in the head with a bullet, or large drop of lead, at least a mortal wound or wounds in his head or body, so that he died in a few hours thereafter; and the following persons were grievously maimed, hurt, and wounded, to the great danger of their lives, viz. Margaret Arthur, alias Arith, residenter in the Canongate, near the Watergate thereof, Jean Peal, servant to James M'Dowal, merchant in Edinburgh, David Wallace, journeyman wright in Edinburgh, James Philip, late servant to —— Lauder, esq. residenter in Canongate, David Kidd, tailor in Edinburgh, Patrick Spalding, apprentice to David Mitchell, jeweller in Edinburgh, James Lyle and Alexander Wallace, both servants to James Wright, stay-maker in Edinburgh, John Miller, tailor in Edinburgh, David Ogilvie, writer in Edinburgh, and James Nivan, late servant to William Sellars, writer in Edinburgh, residenter in the Potterrow.

At least the said persons were so killed, wounded, and maimed, by the firing in manner, and by the direction, as aforesaid, and by the second firing after mentioned; for, not contented with the barbarities thus committed, after he had with the said company or detachment of the city guard marched towards, or into the place or street called the West Bow, he, without just cause or occasion, again ordered the men under his command to face about and fire upon the people, and at or about the same time, he fired a musket or firelock that was in his own hand, having either re-loaded, or caused to be re-loaded his own piece, or taken another out of the hand of one of the guard; and several of the said guard did, upon that second example and command of his, fire upon the multitude, whereby Alexander M'Neil, son to Edward M'Neil, indweller in Mortonhall, received a shot in the head with a bullet, or lead drop, which pierced into his brain, at least a mortal wound or wounds in his head or body, so that he died thereof in a few days thereafter; and Margaret Gordon, servant to William Ogilvie, tailor in St. Mary Wynd, in Edinburgh, received a wound in the head above the left eye, with a bullet, or large drop of lead, which pierced into her brain, at least a mortal wound or wounds in her head or body, so that she died thereof in a short space thereafter; and Henry Grahame, tailor in Canongate, received a wound in the head, with a bullet, or large drop of lead, which pierced into his brain, at least a mortal wound or wounds in his head or body, of which he died in a few hours thereafter.

At least, by this and the other firings by him, and by his order and example above-mentioned, all, or one or more of the persons parti-

cularly above recited as having been killed, received mortal wounds of which they soon after died, and all, or one or more of the persons above recited to have been wounded, were grievously maimed, hurt, and wounded, to the great danger of their lives.

At least, at the time and place aforesaid, the said persons above named and mentioned to have been respectively killed and wounded, were all, or one or more of them, wickedly and maliciously slaughtered, murdered, and wounded, by wounds severally given them by mortal weapons.

And he was guilty art and part of the slaughter, murder, and wounding of all, or one or more of them; all which, or any part thereof, being found proven by the verdict of an assize, in presence of the Lords Justice-General, Justice Clerk, and Commissioners of Justiciary, he ought to be most exemplary punished with the pains of law, to the terror of others to commit the like in time coming.  
*Sic Subscribitur.*

CH. ARESKINE, A. D.

*His MAJESTY's ADVOCATE, for proving his Libel, adduced the Witnesses after deposing, viz.*

James Drummond, merchant and resident in Edinburgh, aged thirty years, deposed, That, time and place libelled, and after Andrew Wilson had hung some time upon the gallows, about a quarter of an hour, as the deponent thinks, he saw the executioner going up the ladder, as the deponent apprehended, to cut him down; upon which he saw some small stones thrown by the mob at the executioner; some whereof the deponent believes might have fallen upon the guard. Upon which he saw the pannel advance from the guard westward, resting his firelock upon his thigh, as if he had been bending it, and thereafter saw him raise it to his breast, moving it from one point to another; and soon after, the deponent heard a shot from the place where the pannel was standing, but did not observe whether the shot came from Captain Porteous's firelock; and, much about the same time, observed one of the soldiers go out of his rank westward, and upon the north side, and saw him go farther west than the place where Captain Porteous was; the side of the window where the deponent was standing, in Robertson's house, covered the said soldier from the view of the deponent by the time the first shot was fired; and which soldier had a gun and screwed bayonet in his hand, levelled with the butt end of it at his breast;

and the deponent did apprehend at the time that Captain Porteous had fired, because he saw him in a firing posture, and immediately heard a shot, and saw a man in a few minutes thereafter, as soon as the mob dispersed, lying upon the street, upon a line whither the deponent saw Captain Porteous's piece directed ; and that the above-mentioned soldier came from the body of the guard which was behind Captain Porteous.

Sir *William Forbes*, advocate, aged thirty years, deposed, That, time and place libelled, and after the deceased Andrew Wilson had hung about twenty or twenty-five minutes upon the gallows, the deponent, from a window in Orr the stabler's house, opposite, but a little to the westward of the gallows, saw the executioner go up some steps of the ladder, as the deponent believes, to cut down the said deceased, and saw thereupon stones thrown at the executioner ; upon which the executioner immediately retired to the guard, and the mob continued throwing stones, so that the deponent believes some of the stones might have touched the guard ; and, about this time, the guard were drawing together to the north and west of the gallows, where the captain was standing ; and soon thereafter he saw the pannel, advancing westward, fire his gun among the people assembled at the execution, and observed the fire and smoke issuing out at the muzzle of his piece, to the best of the deponent's observation, which he thought at the time very distinct, and that the said shot was the first which the deponent heard ; and the deponent at the time did imagine, that the pannel had fired his shot high, but whether that proceeded from the situation his firelock was in, or from the appearance that the fire and smoke made that issued out of his piece, the deponent cannot now particularly charge his memory. That thereafter the deponent heard several dropping shots, about twenty, but cannot be positive as to the number. That, when the aforesaid facts happened, the deponent was upon the south side of the street, and the pannel to the north of the middle of the street, almost opposite to the window where the deponent was ; and when the pannel had so fired, the deponent did not observe any

soldier so far advanced westward from the body of the guard as the pannel was.

Mr. *William Fraser*, son to the lord Saltoun, aged twenty-four years, deposed, That he was in a window in one Orr's house in the Grass-market, the south side of the street, the day that Andrew Wilson was executed. That, after Wilson had hung some time on the gallows, he saw the executioner go up some steps of the ladder, as he apprehended, to cut him down, and then saw the mob throw stones and dirt at him; upon which the hangman came down, and went in among the soldiers that were standing at the foot of the scaffold. That soon after the hangman had come down, he saw the pannel present and level his gun, moving the muzzle to and fro, and then saw him fire, and to the best of his knowledge and apprehension, saw the smoke issue out of the mouth of the piece; that immediately thereafter, within a second or two, he heard several dropping shots fired by the soldiers, who were there on their arms. That he thinks the dropping shots he then heard came from near the place where the pannel was standing. He also deposed, that at the time foresaid the pannel fired his gun, he did not observe any of the soldiers advance before him and present their guns.

Mr. *William Urquhart* of Meldrum, aged thirty-eight years, deposed, That he was present at Andrew Wilson's execution the time libelled, in the house of one Orr, on the south side of the street, in company with Sir William Forbes and Mr. Fraser, the preceding witnesses. That after Wilson had hung some time, he saw the executioner go up some steps of the ladder, in order to cut him down, as he apprehended, and saw the mob throw several stones at him; upon which he came down; therefore the mob continued to throw stones, some of which fell amongst the guard, whereupon he heard several dropping shots fired by the soldiers. That he saw the pannel present his piece, immediately heard a shot, which he apprehended was shot by the pannel, but did not observe it so narrowly as to see the smoke or fire issue out of his piece.

*James Dewer* of Vogrie, aged sixty-four years, deposed, That, time and place libelled, at Andrew Wilson's

execution, he was in a window in his own house at the foot of the West Bow, in the east side of the way. That he saw the hangman go up some steps of the ladder, after Wilson had hung some time, and saw the mob throw some stones, one of which hurt the executioner on the face; upon which he came down the ladder; whereupon he saw the pannel present his piece, and fire, which was the first shot he heard or saw. That when he saw the pannel fire, his side was to the deponent, and that the pannel was then standing on the east side of the gibbet, and that he fired his piece to the west. He deposed, that he saw the fire of the powder from the pan, and heard the report of the shot: that when the pannel fired as aforesaid, he was standing on the south-east side of the scaffold. that Wilson was not cut down, by the hangman, but by some persons that were standing at the foot of the gallows, and that Wilson was cut down before he heard any shots. He likewise stood at his own window before Wilson was thrown over, and continued looking at the place of execution till he was cut down, and heard the shots as before mentioned. On being interrogated, what kind of clothes Captain Porteous had on, he declared he could not be positive, but believed they were red clothes; but was positive that he knew Captain Porteous's face when he saw him fire.

Twenty or thirty others deposed to the same effect.

The above assizes having inclosed, chose Sir John Inglis, of Cramond, to be their Chancellor, and James Davidson, bookseller, in Edinburgh, to be their Clerk; and having considered the indictment at the instance of Duncan Forbes, of Culloden, Esq. his Majesty's Advocate for his Highness's interest, against John Porteous, late one of the captain-lieutenants of the city guard of Edinburgh, pannel, with the Lord Justice Clerk and Lords Commissioners of Justiciary their interlocutor thereupon, and depositions of the witnesses adduced for proving thereof, the pannel's own judicial confession, and depositions of the witnesses adduced for the said John Porteous, pannel, his exculpation, they all in one voice found it proved that the said John Porteous, pannel, fired a gun among the people assembled at the place of execution, and

time libelled ; also that he gave orders to the soldiers under his command to fire ; and upon his and their so firing the persons mentioned in the indictment were killed and wounded ; and found it proved that the pannel and his guard were attacked and beat by several stones of a considerable size thrown among them by the multitude, whereby several of the soldiers were bruised and wounded.

The Lord Justice Clerk and Lord Commissioners of Justiciary, having considered the verdict of assize returned against John Porteous, pannel, of this date, they, in respect thereof, by the mouth of John Dalgleish, Dempster of court, decreed and adjudged the said John Porteous to be taken from the Tolbooth of Edinburgh, upon Wednesday, the eighth day of September next to come, to the Grassmarket of Edinburgh, the common place of execution of the said burgh, betwixt the hours of two and four of the clock of the afternoon of the said day, and there to be hanged by the neck upon a gibbet, by the hands of the executioner, until he be dead ; and ordained all his moveable goods to be forfeited to his Majesty, which was pronounced for doom.

On the 3d of September the Lord Justice Clerk delivered a letter from his grace the Duke of Newcastle, one of his Majesty's Principal Secretaries of State, the tenour of which was as follows :—

*Whitehall, August 26, 1736.*

MY LORDS.—Application having been made to her Majesty in the behalf of John Porteous, late captain-lieutenant of the city guard of Edinburgh, a prisoner under sentence of death in the gaol of that city, I am commanded to signify to your Lordships her Majesty's pleasure, that the execution of the sentence pronounced against the said John Porteous be respite for six weeks from the time appointed for his execution.

“ HOLLES NEWCASTLE.”

On the respite being made known the populace determined on vengeance ; on the 7th of September, 1736, between nine and ten in the morning, a large body of men entered the city of Edinburgh, and seized the arms belonging to the guard ; they then patrolled the streets, crying out, “ All those who dare avenge innocent blood, let them come here.” They

then shut the gates, and placed guards at each. The main body of the mob, all disguised, marched in the mean time to the prison; when finding some difficulty in breaking open the door with hammers, they immediately set fire to it; taking care that the flames should not spread beyond their proper bounds. The outer door was hardly consumed before they rushed in, and ordering the keeper to open the door of the captain's apartment, cried out, "Where is the villain Porteous?" He replied, "Here I am? What do you want with me?" To which they answered, that they meant to hang him in the Grass-market, the place where he had shed so much innocent blood. His expostulations were in vain, they seized him by the legs and arms, and dragged him instantly to the place of execution. On their arrival they broke open a shop to find a rope suitable to their purpose, which they immediately fixed round his neck, then throwing the other end over a dyer's pole, hoisted him up; when he, endeavouring to save himself, fixed his hands between the halter and his neck, which being observed by some of the mob, one of them struck him with an axe, which obliged him to quit his hold, and thus they soon put an end to his life. Being satisfied he was dead, they immediately dispersed to their several habitations, without molesting any one else.

On the news of this extraordinary affair being transmitted to London, a proclamation was issued, with a reward of two hundred pounds to any one who would discover his accomplice; in consequence of which some few were taken into custody, but discharged for want of evidence. The magistrates of Edinburgh were ordered to London; and they were not only fined but rendered incapable of acting in a judicial capacity ever after.

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WILLIAM MACLAUCHLANE, FOR THE MURDER OF  
CAPTAIN PORTEOUS.

WILLIAM MACLAUCHLANE, late servant to the Countess of Wemyss, prisoner in the castle of Edinburgh, pannel, was indicted and ac-

cused in so far as, that upon the 7th day of September, 1736, on one or other of the days of the said month, certain seditious and blood-thirsty persons, shaking off all fear of God, regard and reverence to his Majesty's laws and authority, guided by disloyal and diabolical principles, or instigated by dangerous and desperate incendiaries, having feloniously conspired unlawfully to raise, move and procure mobs and tumults, insult the laws and public authority, and in an outrageous manner to break and disturb the public peace in the city of Edinburgh ; to do murder and commit the other black and odious crimes after mentioned : did assemble together within the said city and county of Edinburgh, about the hour of nine, or some other hour that night ; and being armed with clubs and other offensive weapons, seized a drum in the possession of the drummer of Portsburgh, part of the suburbs of Edinburgh, and by beating the same within the said burgh, convocated and brought together great numbers of dissolute, profligate, and disorderly persons, who, proceeding to the Netherbow Port of the said city, by force and violence seized upon the keeper and keys thereof, shut and locked the gate, and marching to the guard room, where the city guard, constituted by act of parliament, was in use to be kept, by force and violence seized the sentinel standing at the door, entered the same, and disarmed and drove out the soldiers placed there by the authority of the magistrates, for the preservation of the public peace, and arming themselves with the guns, halberts, Lochaber-axes, and other weapons kept in the said room for the defence of the city ; sent parties to the several ports and took possession of the same, shutting the gates, nailing, or rolling stones to secure the said gates.

And having thus made themselves masters of the city to the great fear, terror, and trouble of his Majesty's lieges, to the imminent danger of shedding much blood, pillaging, plundering, and burning the houses of the inhabitants ; they advanced towards the public prison of the said city, and planted some of their accomplices, armed as a guard, from the north side of the said prison, commonly called Purses, across the High Street, to stop all who did not unlawfully associate themselves with them, from passing to the prison gate ; and with fore-hammers beat on the door of the said prison, in order to break it open ; and among the rioters so planted as a guard, and at the prison door, and in divers other places during the said tumult and sedition, he, the said William Maclachlane, armed with a Lochaber-axe, or other offensive weapon, was unlawfully and riotously assembled with them. And when the magistrates of the city, as in duty bound, went in a body toward the said prison, to disperse this riotous and unlawful assembly, showers of large stones were by him, the said William Maclachlane, or his accomplices, poured upon them, whereby some of them were bruised, and all of them under great terror, were obliged to fly and save themselves from the fury of an armed mob.

And further, he, the said William Maclachlane, or his accomplices, by burning torches, links, whins, or other combustible matter, wilfully and maliciously set fire to the said prison door, to the great danger of the adjacent wooden houses and other houses and shops ; and having burnt and beat the same open, seized the keeper, and, by force and fear, extorted the keys of the rooms of the said

prison from him, and dismissed William Grinsell, imprisoned there for murder; James Ratcliff, imprisoned for theft, robbery, and house-breaking; and divers other persons there, also committed by lawful warrants: and he, the said William Maclauchlane, having conceived a deadly hatred and malice against John Porteous, commonly called Captain Porteous, there also confined under sentence of death, the execution whereof, by the amiable power and prerogative of the crown to shew mercy to subjects condemned, had been respite by her sacred Majesty the Queen, then guardian of the kingdom, he, the said William Maclauchlane, or his said accomplices, laid violent hands upon him, with intent to murder and bereave him of his life; and having dragged him by the heels down the said Tolbooth stairs, crying for mercy for Christ's sake, lengthening out their cruelty towards him, alternately led, dragged, and carried him, fainting and falling on the street, to the Grass-market within the said city of Edinburgh, the place of common execution, in derision of public justice, and making a stand at the gallows-stone, where the gibbet was usually placed, they consulted together in what manner to put him to death; and about the hour of eleven, or some other hour that night, having hurried him to a dyer's tree near the said place, while, in the most moving manner, he was supplicating for a little time to recollect himself, a dying man, and to beg mercy from God, he, the said William Maclauchlane, or his wicked accomplices, renouncing all christian compassion, and even human nature, fixing a rope about his neck instantly drew him up upon the said tree; and when he endeavoured to save himself by catching hold of the rope with his hands, he, the said William Maclauchlane, or one or other of his vile associates, barbarously beat them down with a paddle, or other instrument, and brutally struck him upon the face with a Lochaber-axe, or other weapon; and wantoning in their wickedness, making loose the rope that was fixed about the said dyer's tree, he, the said William Maclauchlane, or some of his aecomplices, let him down to the ground, and pulled him up again, where he hung by the neck till he was dead: all which detestable facts and crimes were impudently, wickedly, and maliciously done and committed by the said dissolute and disorderly persons riotously and tumultuously assembled in manner above described; and the said John Porteous was cruelly murdered at the time and place aforesaid, in a daring and outrageous manner, to the dishonour of God, the contempt of his Majesty's laws and authority, and to the lasting infamy of the barbarous and bloody actors.

To place the indictment, and facts therein contained, in a proper light, it should be observed, that John Porteous, commonly called Captain John Porteous, one of the Captain-lieutenants of the City Guard of Edinburgh, with a party under his command, upon the 14th of April, attended the execution of a sentence of death pronounced against Andrew Wilson; and, upon certain disorders that happened about the time of execu-

tion, Captain Porteous was said to have fired, and to have ordered the party under him to fire among the multitude, whereby some were killed, and others wounded.

A prosecution was brought against him, and, upon a verdict returned, he was condemned to die; and the magistrates of Edinburgh were ordered to put the sentence in execution, upon the 8th day of September last betwixt the hours of two and four in the afternoon.

During the trial, and even the condemnation, John Porteous persisted in denying, notwithstanding the proof brought against him, that he either fired or gave orders to fire, when the slaughter and maiming was committed at Wilson's execution, which had so great influence on persons of high rank, that petitions were signed to be presented to the Queen, representing his case as favourable, and recommending him as an object of mercy.

Whether the suggestions on the part of the said John Porteous were just or unjust is foreign to the present question; but as the prosecution was brought at the instance of the crown, and as, by a late act of parliament, sentences for crimes importing capital punishment were discharged to be put to execution, till thirty days at least were elapsed from the date, the inductive cause whereof is expressed in the law, that parties convicted might have time to apply for a pardon, it was proper the crown should inquire into the truth of the allegations of the petition presented in behalf of the said John Porteous; and, in the mean time, respite the execution of the sentence.

A reprieve, granted for this end, was produced in presence of the judges, and entered into their books; and an authentic copy of the proceedings against him was ordered to be transmitted to London.

Upon this occasion no pardon was granted, nor intended to be granted, but upon proper inquiry; and as the respiting the execution of the sentence of death was at the same time an instance of tenderness towards the law and the life of a subject, it was to be hoped it would be received by all, not only with respect, but with thankfulness. But as there are perverse minds capable of delight only from cruelty, and in-

clined to rage by acts of mercy, certain abandoned and blood-thirsty persons formed a project to kill and murder, and actually killed and murdered the said captain Porteous, even before the day prefixed in the sentence pronounced by the judges who condemned him ; and as they could not effect their wickedness, but by passing through several scenes of previous villainy, upon the 7th of September, in the evening, certain of the conspirators seized a drum, and by beating the same, convocated their accomplices, who seized and secured the ports, attacked and secured the city guard, and drove out the soldiers, placed there by lawful authority, and armed themselves with warlike weapons, kept there for the defence of the city, to the great fear, terror, and trouble of the inhabitants, as well as the danger of their lives and properties.

As the chief thing in view was to murder the said captain Porteous, this insolent mob proceeded to the Tolbooth door : and as they foresaw it would be difficult to break it open, it would be necessary to plant certain of their numbers as a guard across the High street, to stop the magistrates and others who might interpose from approaching to the Tolbooth door ; and a principal person in this guard was the said William Maclauchlane, armed with a Lochaber axe ; and the magistrates having in a body proceeded that way towards the prison, they were by showers of great stones, bruised and forced back under great terror.

The Tolbooth door was at last burnt and beat open, and captain Porteous was dragged to the Grass-market, between the hours of eleven and twelve, and hung up by the neck upon a dyer's tree, in the barbarous manner charged in the indictment, where he remained till he was dead.

*The PURSUER, for proving the libel, adduced the Witnesses after depositing, viz.*

*Patrick Weir*, shoemaker and drummer in Portsburgh, part of the suburbs of Edinburgh, deposed, That about half an hour after nine o'clock at night, a number of persons came riotously and beat open the deponent's door, and called Bougar, give us out the drums ; and the deponent having asked them what they were to do with the drums ? they said they were going to sacrifice Captain

Porteous; and thereafter, having seized one of the drums, they put it by force about the deponent's son's neck, and forced him to beat the alarm, and dragged him along with them within the port of the Grass-market, which some time thereafter they shut, commonly called the Westport; which port being afterwards opened about twelve o'clock at night, the deponent came in and saw the deceased Captain Porteous hanging upon a dyster's tree, near the place of common execution, and then he was dead.

*William Weir*, son to Patrick Weir, the preceding witness, deposed, That the night that Captain Porteous was murdered, and between eight and nine o'clock, a number of people came riotously and beat at the door of the deponent's father's house, calling out, where is the Bougar, the drummer? and upon their getting access, and seizing one of the drums, they dragged the deponent along with them, tied the drum about his neck, and forced him to beat along the Grass-market, down the Cowgate, up Gray's-close, down to the Netherbow, and from thence to the Town-guard; and that during this time, the rioters pushed and threatened the deponent, and tore his neck till the blood came, and thereby compelled him to beat the drum. That the rioters were very numerous, and many of them armed with staves and cudgels. And when the rioters came the length of the guard, the deponent made his escape and hid the drum; and about twelve o'clock at night the deponent saw Captain Porteous hanging dead upon a dyster's tree.

*Henry Anderson*, apprentice to R. Herron, shoemaker in Edinburgh, deposed, That he heard a drum beat between nine and ten, and was immediately told that it was a mob to take out Captain Porteous; and by this time the deponent got his coat on and got out to the street, the mob had reached Cowgate Port; and the deponent having been stopped by the mob at the foot of Gray's-close, was told that they were shutting the Cowgate-port; and the deponent having gone up Gray's-close, the mob soon followed him, and he saw a mob at the Netherbow-port; and thereafter, the deponent saw the mob go towards and surround the guard-room, and saw the mob thereafter come out of the guard-room, armed with guns and Lochaber-axes, and then heard a shot by a gun. Thereafter the deponent saw some of the mob at the door of the Tolbooth, beating at it with forehammers; and some time thereafter he saw the Tolbooth-door burning, and saw men armed with guns and Lochaber-axes standing near by the door of the prison; and there he saw a man with a Lochaber-axe, who said that he would not have it, and thereupon threw it upon the deponent's shoulder; and the deponent having offered it to a person that was standing by, who refusing it, the deponent dropt it down upon the ground among his feet, because he would have nothing to do with it; and being afraid of the mob, he went down Beath's-wynd, and thereafter having come up Beath's-wynd, he tried to pass by the Purses on the north side of the prison; but there perceiving the backs of a row of armed men across the street, whom he was told were drawn up as a company or guard, he retired again to Beath's-wynd; the said company was armed, some with staves, others with guns and Lochaber-axes.

About thirty other witnesses deposed to the same effect.

The court returned their verdict in presence of the Lords, whereof the tenour is as follows :—

The above assize having inclosed and chosen Mr. Charles Hope Weir, of Craigichall, to be their chancellor, and William Hamilton, brewer, in Edinburgh, to be their clerk, and having considered the indictment at the instance of Duncan Forbes, of Culloden, Esq. His Majesty's Advocate for his Highness' interest, against William Maclauchlane, pannel, with the Lord Justice Clerk and Lords Commissioners of Justiciary, their interlocutor thereupon, and the depositions of witnesses adduced for proving thereof, and the depositions of the witnesses adduced for proving the pannel's behaviour ; they, all in one voice, found the said William Maclauchlane, pannel, *Not Guilty.*

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### ROB ROY MACGREGOR, AND OTHER MACGREGORS,—1700 to 1746.

THOUGH the natives of the Highlands of Scotland long contemned and resisted the laws of the kingdom, and lived in a state of proud and turbulent independence, the cruelty and injustice which dictated the proscription of the clan Macgregor, can only be regarded as a wretched picture of that government and that age, which could sanction an act of such barbarity.

This clan occupied the romantic wilds, and, at that period, the almost inaccessible valleys of Balquhidder, and the Trosachs, comprehending a portion of the counties of Argyll, Perth, Dumbarton, and Stirling; appropriately denominated the country of the Macgregors. Among those regions, in former ages, the benefits of agriculture were almost unknown to the inhabitants, who chiefly lived upon animal food ; but of this they were often deprived by the rigour of winter, so that the mutual spoliation of cattle became a regular system, especially during the period of the Michaelmas moon, and in some parts was essential to their preservation. The Macgregors pursued this plan in common with other tribes, though not under more aggravating cruelties.

By the merciless decree of fire and sword against the Clan Gregor not only were this race to be rooted out, but their very name was forbidden. They were indiscriminately pursued and massacred wherever they were found, until, by incessant persecution and subdued by the number of their enemies, they were ultimately driven to despair, and sought refuge among the mountainous parts of Perth and Argyll, inhabiting the dismal cavities of rocks and the sombre recesses of forests. Even in this state of misery they were not allowed to exist. They were discovered in the fastnesses, and the Earl of Argyll, with determined butchery, hunted down the fugitives through moors and woods till scarcely any other than their children remained alive.

Amidst the calamities of his race arose Robert Macgregor, celtically named Roy (red,) from his complexion and colour of hair, and as a distinctive appellation among his kindred, a practice which is still followed throughout the Highlands. He was the second son of Donald Macgregor, of the family of Glengyle, a lieutenant-colonel in the king's service, by a daughter of Campbell of Glenlyon, and consequently a gentleman from birth. He received an education at that time considered liberal, at least suitable to the sphere of life in which he was to appear. Of strong natural parts he acquired the necessary but rude accomplishments of the age; and with a degree of native hardihood, favoured by a robust and muscular frame, he wielded the broad sword with such irresistible dexterity, as few or none of his countrymen could equal. Yet he was possessed of complacent manners when unruffled by opposition, but he was daring and resolute when danger appeared; and he became no less remarkable for his knowledge of human nature than for the boldness of his achievements.

It was customary in those days, as it is at present, for gentlemen of property, as well as their tenantry, to deal in the trade of grazing and selling of cattle. This business appears to have been carried on by Rob Roy Macgregor to a considerable extent, so that in early life he was not conspicuous for any dashing exploit. He accordingly, from the amicable terms

upon which he stood with the Duke of Argyll, now his avowed patron, assumed, by his permission, the name of Campbell, and relinquished that of Macgregor, though in the country and among his clan he was acknowledged by no other. He was, consequently, in a writ dated in 1703, denominated Robert Campbell of Inversnait, his paternal inheritance.

In his cattle dealings Rob Roy had a partner in whom he placed unbounded confidence ; but this person having on one occasion been entrusted with a considerable sum of money made a sudden elopement; which so shattered Rob's trading concerns that he was under the necessity of selling his lands to the Duke of Montrose, but conditionally, that they should again revert to himself provided he could return to the Duke the sum he had promised to pay for them. Montrose had paid a great part, but not the whole of the price agreed upon. Some years having elapsed, Rob Roy found his finances improved, and, wishing to get back his estate, offered to restore the Duke the sum he had advanced ; but upon some equivocal pretence he would not receive it, and, from Rob's absolute character, an adjudication of the lands was easily obtained, which deprived him of any future claim. Considering this transaction as unjust on the part of Montrose and his factor, Graham of Orchil, Rob watched his opportunity to make reprisal, the only remaining means in his power, and a future occasion gave him the success he desired. This factor, when collecting his rents, was attended, as a matter of compliment, by several gentlemen of the vicinity, who dined with him. Among those who were present at this time was Rob Roy ; but before he came he placed twenty of his men in a wood close by, to wait a fixed signal, and went himself to the house with his piper playing before him. This was at the inn of Chapel-Arroch in Aberfoil. The factor had no suspicion of Rob's purpose, as he laid down his claymore to indicate peace, and partook of the entertainment, during which his piper played some wild pibrochs, the boisterous accompaniment which used to give a zest to every Highland feast.

Rob, in the meantime, observed the factor's motions,

and saw that he deposited the money in a portmanteau which lay in the room. Dinner was no sooner over than he ordered his piper to strike up a new tune ; and in a few minutes Rob's men surrounded the house ;—six of them entered with drawn swords—when Rob, laying hold of his own, desired the factor to deliver him the money which he had collected, and which he said was his due. Resistance was useless ; the money was given up, and Rob granted a receipt for it. But as he conceived that the factor was accessory to the infringement of the contract that deprived him of his estate, he resolved to punish him. Accordingly he had him conveyed and placed in an island near the west end of Loch Ketturrin.

In this island was Orchil confined for some weeks ; and, when set at liberty, was admonished by Rob Roy no more to collect the rents of that country, which he meant in future to do himself, maintaining that as the lands originally belonged to the Macgregors, who lost them by attainder, such alienation was an unnatural and illegal deprivation of the right of succeeding generations ; and, from this conviction, he was the constant enemy of the Grahams, the Murrays, and the Drummonds, who then claimed and still inherit those extensive domains.

The most inveterate enemy that Rob Roy had to guard against was the Earl of Athol, who had long harassed his clan, and whose machinations were even more alarming than the denunciation of the law. Rob had no doubt given cause for this enmity, for he had frequently ravaged the district of Athol, carried away cattle, and put every man to the sword who attempted resistance ; and all this, he said, was to retaliate the cruelties formerly committed upon his ancestors. But he had once nearly paid for his temerity. The earl having sent a party of horse, they unexpectedly came upon him, and seized him in his own house of Monachaltuarach, situated in Balquhiddar. He was placed on horseback to be conveyed to Stirling Castle, but in going down a steep defile he leaped off, ran up a wooded hill, where the horsemen could not follow, and escaped. Athol, on another occasion, sent twenty men from Glenalmond to lay hold of Macgregor. He

saw them approaching and did not shun them, though he was alone. His uncommon size and strength, the fierceness of his countenance, and the posture of defence in which he placed himself, intimidated them so much that they durst not go near him. He told them that he knew what they wanted, but if they did not quietly depart none of them should return.

A debt, to a pretty large amount, which he had long owed to a person in the Lowlands, could never be recovered, because no one would undertake to execute diligence against him. At length a messenger at Edinburgh appeared, who pledged himself that with six men he would go through the whole Highlands, and would apprehend Rob Roy, or any man of his name. The fellow was stout and resolute. He was offered a handsome sum if he would bring Rob Roy Macgregor to the jail of Stirling, and was allowed men of his own choice. He accordingly equipped himself and his men with swords, sticks, and every thing fitted for the expedition ; and having arrived at the only public house then in Balquhiddar, he inquired the way to Rob's house.

Having announced himself as a stranger who had lost his way, he was politely shewn by Rob into a large room. Fear now wholly overcame the messenger, and he could scarcely articulate, when four of Rob's men carried him out of the house, and they took him to the river just by, and tossed him in, allowing him to get out the best way he could himself. His companions, in the mean time, seeing all that happened, and supposing he had been killed, took to their heels. These people were no sooner out of the hands of the Macgregors, than they made a speedy retreat to Stirling, and upon their arrival there they represented the usage they had received, with exaggerated accounts of the assassinations and cruelties of the Macgregors, so that the story was reported to the commander of the castle, who ordered a company of soldiers to march into the Highlands to lay hold of Roy Macgregor. A party of Macgregors, who were returning with some booty which they had acquired along the banks of the Forth, descried the military on their way to Callander, and, suspecting their inten-

tion, hastened to acquaint Rob Roy of what they saw. In a few hours the whole country was warned of the approaching danger, and guards were placed at different stations to give notice of the movements of the soldiers. After a fruitless search for many days, the soldiers, unaccustomed to the fatigue of climbing mountains, and scrambling over rocks, and through woods, took shelter at night in an empty house, which they furnished with heath for beds ; and the Macgregors, unwilling that they should leave their country without some lasting remembrance of them, set fire to the house, which speedily dislodged the soldiers. In the confusion many of them were hurt, a number lost their arms, and one man was killed by the accidental discharge of a musket.

An annual payment used to be made to him by Campbell of Abruchil ; but this proprietor having omitted to pay Rob for some years, he at last went to his castle with an armed party, to demand the arrears due to him. Having knocked at the gate, leaving his men at some distance, he desired a conversation with the laird ; but he was told that several great men were at dinner with him, and that no stranger could be admitted. " Then tell him," said he, " that Rob Roy Macgregor is at his door and must see him, if the king should be dining with him." The porter returned, and told Rob that his master knew nothing of such a person, and desired him to depart. Rob immediately applied to his mouth a large horn that hung by his side, from which there issued a sound that appalled the castle guard, shook the building to its base, and astonished Abruchil and his guests, who quickly left the dining-table. In an instant Rob's men were by his side, and he ordered them to drive away all the cattle they found in the land ; but the laird came hastily to the gate, apologised for the rudeness of the porter to his good friend Rob Roy Macgregor, took him into the castle, paid him his demand, and they parted good friends.

On the estate of Perth a clansman of Rob's occupied a farm on a regular lease ; but the factor, Drummond of Blairdrummond, took occasion to break it, and the tenant was ordered to remove. Rob Roy, hearing the story, went to Drummond Castle to re-

dress this grievance. On his arrival there, early on a morning, the first he met was Blairdrummond, in front of the house, and knocking him down, without speaking a word, walked on to the gate. Perth, who saw this from a window, immediately appeared, and, to soften Macgregor's asperity, gave him a cordial welcome. He told Perth he wanted no show of hospitality, he insisted only to get back the tack of which his namesake had been deprived, otherwise he would let loose his legions upon his property. Perth was threatened into compliance, the lease was restored, and Rob sat down quietly and breakfasted with the earl.

In his depredatory incursions cattle and meal appear to have been the chief articles of his attention. He scarcely raised any grain on his own farms, and when he, or any of his people, or any poor person, were in want of meal, he went to a store which Montrose had at Moulin, ordered the quantity he required, gave the keeper a receipt for it, and made the tenants, with their horses, carry it to his house or wherever else it was wanted.

The more deliberately to carry on those inroads, he and his men, for he never had less than twelve, casually occupied a cave at the base of Ben Lomond, on the banks of the lake. This recess has its entrance near the water's edge, among huge fragments of rock broken from that stupendous mountain, and fantastically diversified by the interspersion of brushwood, heath, and wild plants, matured in the desert luxuriance of solitude.

But Rob, though generally favoured by fortunate incidents, could not always expect to get off with impunity; and after having many things in his own way, he at length pressed too hard on Montrose, that he was constrained to call out a number of his people, who headed by a confidential Graham, and accompanied by some military, were sent forth to lay hold of Macgregor. Rob and his band chanced to be absent when the Grahams assailed his house; but they learned the course he had taken, and by daybreak next morning, arrived at Crinlarach, a public house in Strathfillan, where our hero and his men had taken quarters for the night—he in the house and they in an

adjoining barn. The Grahams did not wait to gain admission to the house, but broke open the door. Rob was instantly on his feet and accoutréed. He levelled them man by man as they came to the door, until his own lads, roused by the noise, attacked the Grahams in the rear with such hard knocks that they retreated to some distance, leaving behind them several of their party sorely wounded ; and Rob having fortified his men with a glass of whiskey, ascended the hill towards Glenfallach. The Grahams, expecting to obtain some advantage over them, followed at a little distance, till Rob's men shot some of the military, and drowned one soldier in a mill-dam, when the Grahams thought proper to withdraw.

After this inglorious trial to overcome Macgregor, though with five times the number of men, Montrose ceased for a while to give him any obstruction, until Rob, now grown, if possible, more courageous than ever, made a descent into the plains, and sweeped away cattle and every moveable article from the country round Balfron, and other parts ; and this was commonly called, the herriship of Kilrain. This appears to have been the greatest misdemeanour of which he stood accused, as it attracted the notice of government ; and the western volunteers were marched into the Highlands to curb the insolence of Rob Roy and his thievish clan, as they were denominated. Several parties of horse were afterwards dispersed over the country to apprehend Rob, and a reward offered for his head, which obliged him for some months to take shelter in the woods, and in the cave at the side of Loch Lomond.

Having continued to wander from place to place, somewhat forlorn though not broken in spirit, he became solicitous about the safety of his family, and had them privately removed to a remote situation at the head of Glenfine, among the mountains of Argyll. Having found this new retreat, though secure and distant, both inconvenient and uncomfortable, and their enemies having relaxed in their pursuit, they left the bleak hills of Argyll and again took up their residence on the soil of their nativity.

Rob having shewn no inclination to desist from his

practices, Athol resolved to correct him in person, as all former attempts to subdue him had failed, and with this bold intention he set forward to Balquhiddar. A large portion of that country then belonged to Athol; and when he arrived there he summoned the attendance of his vassals; who very unwillingly accompanied him to Rob's house, as many of them were Macgregors, but dared not refuse their laird. Rob knew the purpose of their visit, and to escape seemed impossible; but with strength of mind and quickness of thought, he buckled on his sword, and went out to meet the earl. He saluted him very graciously, and said, that he was much obliged to his lordship for having come, unasked, to his mother's funeral, which was a piece of friendship he did not expect; but Athol replied, that he did not come for that purpose, but to desire his company to Perth. A long remonstrance ensued; but the earl was inexorable, and Rob, apparently complying, went away amidst the cries and tears of his sisters and kindred. Their distress roused his soul to a pitch of irresistible desperation, and breaking from the party, several of whom he threw down, he drew his sword. Athol, when he saw him retreat, and his party intimidated by such resolution, drew a holster pistol and fired at him. Rob fell at the same instant, not by the ball, which never touched him, but by slipping a foot. One of his sisters, the lady of Glenfallach, a stout woman, seeing her brother fall, believed he was killed, and making a furious spring at Athol, seized him by the throat and brought him from his horse to the ground. In a few minutes that nobleman would have been choked, as it defied the by-standers to unfix the lady's grasp, until Rob went to his relief, when he was in the agonies of suffocation. Had they staid till the clan assembled to the exequies of the old woman, it is doubtful if either the chief or his companions had ever returned to taste Athol brose.

The progress of the Earl of Mar with his army of disaffected Highlanders, greatly alarmed the government, and immediate orders were transmitted to Edinburgh to secure such suspected persons as were thought inimical to the king, and, among others, Rob

Roy Macgregor was specially named. He, however, conducted himself with some caution on this occasion, and waited to observe the complexion of matters before he should proceed farther, as his friend Argyll had espoused the part of King George, a circumstance which greatly distressed him. In a state of considerable indecision he proceeded to the Lowlands and hovered about both armies prior to the battle of Sheriff-muir, without making any declaration or offer to join either ; and upon that event he remained an inactive spectator.

Though the undecided issue of this trial eventually brought about the dispersion of the Highland army, the Macgregors continued together ; but unwilling to return home without some substantial display of conquest, they marched to Falkland, and garrisoned the ancient palace of that place ; where, without much ceremony, they exacted rigorous fines from the king's friends. Here they remained till Argyll arrived at Perth, when they retired to their own country with the spoils they had acquired ; but they continued in arms for several years thereafter, to the no small disturbance of their neighbours, in the pursuit of their usual compulsory habits.

Those daring practices seem to have been the reason why, in the subsequent act of indemnity or free pardon, the Macgregors were excluded from mercy in these words :—“ Excepting all persons of the name and clan of Macgregor, mentioned in an act of parliament made in Scotland in the first of the late King Charles I. instituted anent the Clan Macgreger, whatever name he or they may have, or do assume, or commonly pass under ;” and consequently our hero's name appeared attainted, as “ Robert Campbell, alias Macgregor, commonly called Robert Roy.”

In his trade of dealing in cattle Rob Roy often required to travel to different parts of the Lowlands, and the last time he visited Edinburgh was to recover a debt due to him by a person who was reputed opulent, but who had taken refuge in the sanctuary of the Abbey. There Rob went and saw his man ; but the sacredness of the place did not protect him ; and, although he was a strong man, Macgregor laid hold of

him, dragged him across the line of safety, and, having some officers of the law in waiting, gave over his charge to them, by which means he got his money. The power which Macgregor possessed in his arms was very uncommon. It was scarcely possible to wrench any thing out of his hands, and he was known to seize a deer by the horns and hold him fast. His arms were long almost to deformity, as when he stood erect he could touch his knee-pans with his fingers.

With the family of Montrose he had been at enmity for more than thirty years ; but he considered the hurt they had done him to be an inexpiable offence, which he never forgave : but the animosity and rivalship which had existed betwixt Montrose and Argyll, was probably a strong incentive to instigate Rob to that course which he had so long pursued against the former, as there is much reason to believe that Argyll took Rob by the hand merely to make him an instrument of opposition to Montrose.

At length, worn out with the laborious vicissitudes of a restless life, he sunk calmly to his end, at the farm of Inverlocharigbeg, among the braes of Balquhidder, in 1740. His remains rest in the church-yard of that parish, with no other monument to mark his grave than a simple stone, on which some kindred spirit has carved a sword—the appropriate emblem of the man.

Though the sons of Rob Roy Macgregor had, in the life of their father, too forcible an example of misguided abilities, and pursued a course of nearly similar practices, yet we cannot but deplore the fate of two of them, as melancholy instances of that infirm and partial justice which characterized the party principles of those times. The destiny of the youngest brother was peculiarly severe, and is well known. He was styled after his father Rob Roy Macgregor-Og (young,) and like him was intended for a grazier ; but, by the unlucky discharge of a gun he killed a cousin of his own, for which accident, when only a boy of twelve years old, he was outlawed, and obliged to fly to France, where he remained till the commotion of 1745 brought him back to Scotland. He was afterwards accused of some acts of violence, of which there

was no evidence of his having been guilty ; and that for which he suffered an ignominious death, was an additional proof of that rancorous spirit with which the Macgregors were still regarded. This man was arraigned for having carried away, by force, a young widow, who had voluntarily eloped with him and became his wife ; and though she declared this to be true, he was taken, at a market in his own country, by a party of soldiers from Inversnaid, carried to Edinburgh, where he was condemned and executed on the 6th of February, 1754, three years after his wife's death.

His brother, James Macgregor, who occasionally took the name of James Drummond, was implicated for the part he was supposed to have taken in that enterprise, which drew down upon him also the strong arm of the law, and he was taken up and put in confinement in the castle of Edinburgh. Previous to this affair James evinced the military ardour of his clan, and, along with his cousin, Macgregor of Glen-gyle, in 1745, took the fort of Inversnaid and made eighty-nine prisoners, with only twelve men. He then joined Prince Charles Stuart, as major, at the head of six companies of Macgregors, in the fruitless contest which that young man had instituted for the recovery of the British throne. James Macgregor had his thigh bone broken in the battle of Prestonpans ; and though he could not accompany the prince on his ill-concerted march into England, James again joined him in the concluding battle of Culloden, and with many more of his partizans, came under the consequent act of attainder.

He was a prisoner in Edinburgh Castle, and his daughter effected his escape : she had access to see him as often as she pleased, and having previously concerted the plan, in the dress and character of a cobbler, carrying in her hand a pair of mended shoes. Her father immediately put on the disguise ; and having held some angry conversation with the supposed cobbler for making an overcharge, so as to deceive the sentinel, he hastily passed him undiscovered, and got clear of the outer gate, and reached Paris, where he lived till 1754.

The only other branch of that name which we can at present notice, was Gregor Macgregor, of Glen-gyle, known by the appellation of Ghlune Dhu, from a black mark on one of his knees. He was the nephew of Rob Roy; and had he lived as long would have probably become no less eminent, as he followed the steps of his uncle, whom he wished to emulate, having often been his companion upon expeditions of danger. But his uncle having been wounded in an attack upon a party of military who opposed his carrying off some cattle from the vicinity of Dunbarton, Gregor was deputed to take the command.

He made an irruption to Drymen, and summoned the attendance of the surrounding lairds and tenants to the church of that place, to pay him their black mail. They all complied but one, whose cattle he drove away. The next of Gregor's exploits was that of taking the fort of Inversnaid, in 1745, with his cousin James and twelve men. In the fort they only found nine soldiers, the rest of the garrison having been out working at the roads; but they also secured them in the name of Prince Charles Stuart, and marched them, eighty-nine in number, as prisoners to the castle of Doune.

During the strict scrutiny and rigorous punishment which followed the unhappy commotion of 1745 and 1746, Gregor, like many others, was forced to forsake his home and take refuge among the woods and mountains of the Highlands. He was once observed lurking in the wilds of Glenlednick, and pursued across the hills to Loch Tay by a party of Campbells, one of whom, and his dog, he shot: and judging it unsafe to remain so near his own country, he and his only attendant, a clansman, travelled towards the braes of Athol, where they hoped to conceal themselves unmolested. Having traversed those wild and inhospitable regions for some days, they arrived at the lonely hut of a shepherd, immersed in a deep glen. Reports, however, reached the ears of the Duke of Athol, that two men, one of them with a black mark on his knee, were concealed in this cottage; and he found means to bribe the hind, so that his lodgers might be secured by stratagem.

It chanced that Macgregor and his lad had one day gone to kill a deer in the neighbouring forest. The day rained so much that they were quite wet on their return. Macgregor sat down by the fire to dry himself; and as his hair was very long and wet, the landlady offered to comb and dry it. While in the act of doing so, she twisted her hand in it, and pulled him suddenly down upon his back to the ground. The concealed assassins and the shepherd immediately rushed upon him. He called to his companion; their strength was Herculean; and in a few minutes their assailants were all either dead or maimed. The treacherous woman, with the resolution of a fiend, having opposed their departure from her house with a drawn dagger, was seized and hanged to a joist. Gregor and his servant were both severely wounded; and having quitted this field of blood, they returned to Glengyle; but from the fatigue he had undergone, and the wounds he had received, Macgregor only lived two days after his arrival.

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### RICHARD COYLE,

FOR THE MURDER OF CAPTAIN BENJAMIN HARTLEY,  
in 1741.

*Clerk of Arraigns.*

RICHARD COYLE, hold up your hand. Gentlemen of the jury, look upon the prisoner and hearken to his cause.

He stands indicted by the name of Richard Coyle, late of London, mariner, that he, together with John Richardson, Caleb Larson, and John Davidson, (not taken) not having God before their eyes, but, being moved and seduced by the instigation of the Devil, on the 26th of August, in the fifteenth year of his present Majesty's reign, he, the said Richard Coyle, with the aforesaid Richardson, Larson, and Davidson, being mariners in the St. John Pink; whereof Benjamin Hartley, a subject of our Lord the King, was master, with force and arms on the high seas, twenty leagues distant from Padras in Turkey, and within the jurisdiction of the Admiralty of England, in and upon the said Benjamin Hartley, being in the said ship, and in the peace of God and our Lord the King, feloniously, wilfully, and of their malice aforethought, did make an assault; and that the defendant Richardson, with both his hands, him, the said Hartley, on the side of the said ship, towards the sea, and on the high seas as aforesaid, did lift and throw, and the said Hartley, then

and there laying hold of the laniards of the shrouds, to preserve himself from falling into the sea, he, the said Richardson, with an axe, which he held in his right hand, him, the said Hartley, holding by the laniards as aforesaid, on the top of the head did divers times, feloniously, wilfully, and of his malice aforethought, strike, by reason of which striking the said Hartley fell from his holding and fell into the sea, and in the waters he was suffocated and drowned, of which suffocating and drowning he then and there died. And the indictment charges, that they, the said Richard Coyle, with the aforesaid Larson and Davison, at the time of committing the said murder, were present, aiding, abetting, assisting, and comforting, the said Richardson, him the said Hartley, feloniously, wilfully, and of his malice aforethought, to kill and murder: and so the indictment charges, that the defendants, Richardson, Coyle, Larson, and Davidson, him the said Hartley, feloniously, &c. did kill and murder, against the peace of our Sovereign Lord the King, his crown and dignity.

To this indictment the prisoner pleaded, Not Guilty.

*Clerk.* Richard Coyle stands a second time indicted for that he, together with John Richardson, Caleb Larson, and John Davison, on the 26th of August, in the ninth year of his present Majesty's reign, with force and arms, on the high seas, and within the jurisdiction of the Admiralty of England, twenty leagues distant from Padras; they being then mariners in the St. John Pink, belonging to the subjects of our Lord the King, to the jurors unknown, and whereof Benjamin Hartley was master, feloniously and piratically did endeavour to make, and did procure and cause to be made a revolt in the said ship, the said Hartley being then master, against the form of the statute in that case made and provided, and against the peace of our Sovereign Lord the King, &c..

*Philip Wallis* was called and sworn.

*Counsel.* Do you know the St. John Pink?

*Wallis.* Yes, I belonged to her five years.

*Counsel.* Were you on board this vessel in January, 1741.

*Wallis.* Yes, I was the captain's servant.

*Counsel.* Was there any other person in the same condition with yourself? Was there any other servants?

*Wallis.* There was one William Durrant, who came

a twelvemonth afterwards, and after that William Metcalfe: they were on board in August, 1735.

*Counsel.* Where was the ship then?

*Wallis.* The ship was at Padras when the murder was committed, and Padras is in the Morea.

*Counsel.* How many persons were then on board?

*Wallis.* There was the captain and the prisoner at the bar, he was mate, and Richardson, the carpenter, and a Spaniard, and John Davison, the cook, and one Caleb Larson, a foremast man, he was a Dutchman.

*Counsel.* What time did you sail from Padras?

*Wallis.* On Monday in the forenoon (on the 26th of August, to the best of my knowledge, 1742,) the morning of that day we came out of the harbour, and that night between one and two, they began to murder the captain; I heard nothing of it till the captain came up upon deck, and then I saw the Dutchman, Larson, jump down and hand up two blunderbusses, one of them he gave to the prisoner, and he (the prisoner) went towards the captain, who was then upon the fore-shrouds, crying out,—Dear Mr. Coyle, what are *you* against me?

*Counsel.* And what did the prisoner say?

*Wallis.* He said, yes he was, and told the captain it was a thing consulted among all the ship's company, and that overboard he must go, and overboard he should go.

*Counsel.* Repeat that again.

*Wallis.* He told the captain that overboard he must go, and overboard he should go: after this the captain called out to Richardson, the carpenter,—My dear carpenter, are you against me too? No, sir, said he, I am not, and immediately he and the Dutchman followed the captain up the shrouds into the fore-top; the captain ran up the shrouds into the fore-top, and the Dutchman and the carpenter followed him.

*Counsel.* Had they any weapons in their hands?

*Wallis.* The carpenter had a broad axe, and the Dutchman had a blunderbuss: the captain cried out to them, for Christ's sake,—for God Almighty's sake, spare my life! I will hurt none of you if you'll spare my life! The Dutchman asked him if he would

forgive him? And the captain said, yes, if you'll spare my life, and he put out his hand to shake hands with him, but Richardson, who followed the Dutchman, said, G——d d——n you, if you offer to shake hands with him I'll chop your hands off.

*Counsel.* This was all said while the captain was on the fore-top, was it not?

*Wallis.* Yes; and he begged there that they would save his life; he begged for God Almighty's sake that they would spare his life, and he promised not to hurt any of them, but would forgive them, if they'd but spare his life.

*Counsel.* Where was the prisoner at this time?

*Wallis.* He was below with a blunderbuss, and said nothing at all just then: but Richardson told the Dutchman if he offered to shake hands with the captain, he would cleve (cleave) him down the head: then the captain begged again that they would remember his wife and family, and the prisoner called out, and said, G——d d——n you, why don't you fetch him down? Why do you stand talking to him? As we have begun we must go through with it. After this the captain finding they were resolved to kill him, he begged for four hours' liberty by himself, but Richardson bid him come down, and swore if he did not come down, he would cleave him down: at last he came down by one of the back-stays,—he slipped down by it: and, as he was sliding down by it, Coyle, the prisoner, snapped at him, but it missed fire; then the captain jumped down and got it out of his hands, and intended to throw it overboard, but it struck against the fore-sheet, and one of my fellow-servants kicked it overboard with his foot: the captain had not power to heave the blunderbuss clear of the ropes, so it fell down, and my fellow-servant kicked it into the sea.

*Counsel.* What followed this?

*Wallis.* Then the captain got from them to the foremast, and Coyle and the other two got hold of him, and flung him over the gangway, but he catched hold of the lanniards of the main shrouds, cried out to us, boys, boys, can't you do something for me! We said, we could not; one of my fellow-servants got hold of me, and said, let us save the

captain's life; but they said they would knock us down if we offered to stir. Then the carpenter got hold of the axe, and knocked his brains out: the prisoner took up the chicken-trough to strike him with, but I cannot say I saw him strike; though he was close by when Richardson knocked the captain into the sea with his broad axe.

*Counsel.* What did the prisoner say at this time?

*Wallis.* I don't remember, in particular, what he said. After this they came to us, and asked us what we cried for; and they told us, if we would be content, and go with them, they would not hurt a hair of our heads. Then Richardson, the carpenter, went after the Spaniard, who was all this while at the helm of the ship, and he said to him, why did not you come and assist us? the Spaniard's name is John Davison; he told them he was minding the helm,—he was looking after that.

*Counsel.* What did Richardson say to that?

*Wallis.* He said, d——n you, and the ship, you might have let the ship have gone to hell, and have come and assisted us.

*Counsel.* Was the ship under sail at that time?

*Wallis.* Yes, and went after the rate of two or three miles an hour, with a small breeze of wind.

*Counsel.* When they had killed the captain, what followed?

*Wallis.* After that they went down into the captain's cabin, and broke open his scrutoire.

*Counsel.* Who did?

*Wallis.* Richardson broke it open, and what things they found, they put by themselves together. There was no money on board. Then they loaded all the arms in the ship.

*Counsel.* What did they do that for?

*Wallis.* Coyle and the Dutchman would have them down to load them, because, they said, they could not tell who they had to trust to.

*Counsel.* After the death of the captain, where did you go?

*Wallis.* The first land we made afterwards, was the Island of Malta; but before they went to land, they made articles, and Richard Coyle, the prisoner,

was made captain; Richardson went for mate, and Larson, the Dutchman, for boatswain. Then they came to us, and wanted us to sign the articles, but we were not willing; so, upon our refusing, they would not go to land, but Coyle cried out, if they won't,—then bear away boys, we'll remember them another time; we'll give them nothing but bread and water, and serve them worse than the captain was served. This he said to me and my fellow servants.

*Counsel.* Where did you go when you left the coast of Malta?

*Wallis.* We put into Foviano. We wanted water, they said; but we had water enough on board. Indeed they wanted fresh provisions and liquors. At Foviano they could get nothing but water; so when they came off the island in the boat, they let it lie astern of the ship, and the next night, I and my fellow servants, and a Greek, four of us in all, got into the boat and went ashore. This was about midnight, when they were all fast asleep. They missed us about an hour and a half after we were gone, and they hauled out the long boat, and went off in her from the ship. The next morning the governor sent us aboard again, with thirteen soldiers, but the prisoner and his companions had left her, and were gone.

*Counsel.* What became of the vessel?

*Wallis.* She was sent to Trepamy, where there was an English consul; and there we performed quarantine.

*Counsel* Where about is Foviano?

*Wallis.* Foviano is near Trepamy, and that is not far from the Island of Sicily. When our quarantine was out, I was sent to Leghorn, and from thence to Lisbon, and so to England. I never saw the prisoner after he left the ship, 'till I saw him at Lisbon, on board the Princess Louisa; in which ship he was to be brought home.

*Counsel.* Who do you say was made master?

*Wallis.* The prisoner was made captain; Richardson, the carpenter, went for mate; and Larson, the Dutchman, was boatswain.

*Q.* When the captain called upon you for help, what did the prisoner say to you?

*Wallis.* I don't remember what he said to us.

*Q.* When the prisoner took up the chicken-trough, what did he do with it?

*Wallis.* He was going to knock the captain on the head with it.

*Counsel.* You say, when the captain was coming down the shrouds, the prisoner snapped a blunderbuss at him ; was it loaded or not ?

*Wallis.* Yes it was loaded ; there were three of them loaded, which lay under his cabin.

*Counsel.* Did you see the prisoner attempt to throw the captain overboard ?

*Wallis.* He lent a hand, but I did not see him strike him.

*Counsel.* Are you sure the blunderbusses were loaded ?

*Wallis.* Yes, I saw them loaded two or three days before.

*Q.* When the captain was struck from the lanniards into the sea, did he sink presently ?

*Wallis.* Yes, he sunk down directly.

*Prisoner.* I would ask that witness whether the captain and I had an angry word together all the voyage ? and whether I was not a particular favourite of the captain's ?

*Wallis.* The prisoner had some words with the captain a few days before he came out of the harbour at Padras.

*Prisoner.* At Ancona the captain paid us all our wages, and he was so kind to me, that he asked me if I wanted money, and I told him I should not have occasion for any till I came to Leghorn. I acknowledge I snapped the blunderbuss, but not with a design to kill him.

*Counsel.* Who loaded the blunderbuss ?

*Wallis.* The prisoner loaded every one of them himself.

*Counsel* Call Richard Durrant.

*Richard Durrant* was called and sworn.

*Durrant.* I was on board this Pink in the year 41, at Padras.

*Counsel.* Who was on board at that time?

*Durrant.* The prisoner, who was the captain's mate, John Richardson the carpenter, and Larson the boatswain, and Davisón the cook, and us three servants, Wallace, Metcalf, and myself.

*Counsel.* When did you sail from Padras?

*Durrant.* On a Monday morning, about ten o'clock in the forenoon.

*Counsel.* What happened, after you came from Padras?

*Durrant.* About two o'clock in the morning, the captain went to sleep; Wallis and I lay down in the cable-tier. We were waked by a noise, and I asked Wallis what was the matter? he said he heard a shrieking upon deck; so we ran up to go upon deck, but I saw Coyle with something in his hand, and was afraid to venture further. I saw them running after the captain, and he was endeavouring to avoid them. Upon this, we went upon deck, and I saw the captain upon the fore-top begging and praying for his life. There were the carpenter Richardson, and Larson the boatswain, going up the shrouds after him, and the prisoner stood at the bottom with a blunderbuss in his hand. The captain was some minutes on the fore-top, and he called out to shake hands with them; but the carpenter said, by G—d, if you offer to shake hands with him, I'll cleave you down with the axe.

*Counsel.* What words did the captain use?

*Durrant.* He begged of them for God almighty's sake to remember his wife and family. As he came down, the prisoner, who stood upon deck with a blunderbuss, snapped it at him, but it did not go off.

*Counsel.* What happened afterwards?

*Durrant.* The captain hauled the blunderbuss out of the prisoner's hand, and threw it, as if he intended to throw it overboard, but it struck against the tackle, and it fell into the ship, and my fellow servant kicked it overboard with his foot. After this the captain got into the middle of the ship, and the prisoner and all the rest took hold of him, and they heaved him over the rough tree, but the captain caught hold of the laniards, and held fast; then the prisoner took

up the chicken-trough, and struck him, as he hung, several blows over the head.

*Counsel.* Are you sure you saw the prisoner strike him with the chicken trough?

*Durrant.* Yes, I did ; and they found that would not do, so the carpenter, with his axe, struck him several times upon the head, and then he let go his hold, and dropped overboard, and was drowned immediately. We expected they would kill us too.

*Counsel.* What did they say to you ?

*Durrant.* They bid us not cry, they would not hurt us. Then they went down into his cabin, and looked over his clothes, got all his papers together, and burnt them. The next day they shared his clothes, and every one had his part. The prisoner had his part, Richardson and Davison had theirs, and Larson stood upon the ladder, and cried,—who shall have this?—who shall have this?—After this we made the island of Malta, and they disposed to go in there for provision, but were afraid.

*Counsel.* What happened next ?

*Durrant.* They went down into the cabin, and drew a paper, which they brought to us to sign ; we refused, and Richardson told us, if we would not sign it, we should follow the captain : No, said the prisoner, they shall not go the same way, we'll starve them to death. After this, they talked of putting in at Malta, but they were afraid ; we then made the island of Mauritimo, for they had drank all the wine, and they wanted to put in somewhere for more, and this was a place where they need not perform any quarantine ; we brought up to an anchor that night, and, in the morning, the prisoner dressed himself in the captain's clothes, and was rowed ashore in the yawl, by two hands. We were kept aboard all that day, and at night Larson and Davison were upon guard upon deck, one of them with two pistols, and the other with a drawn sword, to prevent our getting ashore. After this we came to Foviano, and one night finding them asleep, we hauled the yawl to, and my fellow-servants got in ; I heaved the oars overboard, and then got in myself ; we rowed ashore directly, and acquainted the

governor ; we desired they would go off directly and take them, but they said they had no orders : that night we lay on shore, and next morning, when we went on board, the prisoner and the rest of them were gone off in the long-boat.

*Counsel.* Was the blunderbuss, that the prisoner snapped at the captain loaded, or not ?

*Durrant.* It was loaded ; they were all loaded three or four days before ; I can't say certainly who loaded them, but I know they were all charged.

*Q.* When the carpenter gave the blows on the head with the axe, which beat him into the sea, was he drowned ?

*Durrant.* I never saw any thing of him more ; he sunk down directly. This was at Foviano.

*Q.* Did you perform quarantine there ?

*Durrant.* No, at the island of Trepany.

*Q.* Who had the command of the ship after the captain's death ?

*Durrant.* The prisoner.

*Prisoner.* I would ask him, whether I had any animosity against the captain ?

*Durrant.* About two days before we came to Padras, the captain and he had some words about a townsman of his, who was at Padras. The captain had told your townsman, you were a drunken fellow ; he told you again, and you came on board and railed at the captain for it.

*Counsel.* Call William Metcalf.

*William Metcalf* was called and sworn

*Metcalf.* I was on board this Pink in August, 1741.

*Counsel.* Where was the ship then ?

*Metcalf.* At Padras.

*Counsel.* When did you sail from thence ?

*Metcalf.* On Monday the 26th of August, between ten and eleven o'clock.

*Counsel.* Who were on board at that time ?

*Metcalf.* Richard Coyle, mate ; John Richardson, carpenter ; one Larson, a mariner ; and Davison, the cook, and a Greek, and three apprentices ; the master, Benjamin Hartley, was on board too.

*Counsel.* What do you know more of this affair?

*Metcalf.* The next morning, between one and two, they murdered the captain.

*Counsel.* And where was you ?

*Metcalf.* I was in the fore-castle ; this was between one and two, on Tuesday morning. I heard the captain cry out, and saw him afterwards running upon deck, and then up the shrouds, and the prisoner followed him with a blunderbuss in his hands. The captain run up upon the fore-shrouds, and into the top-mast, and Larson and Richardson followed him to the top-mast.

*Counsel.* What did the captain say to them ?

*Metcalf.* He begged for God's sake,—for Christ's sake, they would spare his life ; and the prisoner said, —captain Harley you must go overboard.

*Counsel.* What was done next ?

*Metcalf.* He begged of Larson, and said—dear Caleb, shake hands with me, and he reached out his hand to him ; but Richardson, the carpenter, lifted up his axe, and said; if you do, I'll cleave your brains out. The captain then came down to leeward, and Coyle snapped the blunderbuss at him.

*Counsel.* Did you see him snap the blunderbuss at him ?

*Metcalf.* Yes, I stood just by him, and saw it ; when the captain found the blunderbuss did not go off, he ran to him, and snatched it out of his hands, and threw it from him, and I kicked it into the sea.

*Counsel.* Was the blunderbuss loaded ?

*Metcalf.* Yes, they were charged on account of the Turkish pirates on that coast. After this they took hold of the captain.

*Counsel.* Who took hold of him ?

*Metcalf.* Larson and Richardson ; and they heaved him over the gang-way, but he caught hold of the lanniards, and Coyle took up a hen-coop trough, and struck him two or three blows on the head and shoulders ; the carpenter struck him too over the head, with his broad axe, and the last words he spoke were, —I am a dead man, and so he dropt down immediately into the sea ; I looked overboard, and saw him sink directly.

We begged the prisoner to give us the boat, and let us go away ; but he would not, and said, what are you afraid of ? we wont hurt you ; go along with us ; if you go away, what shall we do with the ship ?

*Counsel.* Was the ship under sail ?

*Metcalf.* Yes, 'twas going before the wind, and we were making the island of Malta ; and when we lay off the island, the prisoner came to me, and asked my name ? he said he could not spell it right : then he went down, and articles were drawn, and he told me I must sign them.

*Counsel.* What were the articles ?

*Metcalf.* I can't certainly tell what was in the articles ; but Coyle was styled captain, Richardson was to be mate, Larson was to boatswain, and Davison was to stand as before. Coyle took the guidance of the ship upon himself, as master.

*Counsel.* What did they at Malta ?

*Metcalf.* They intended to go in ; so they made us set our hands to the paper ; but after we had signed it, they were afraid to venture ashore there.

*Counsel.* Who were afraid ?

*Metcalf.* Coyle and Larson were afraid to go in ; and Richardson fell a d---ing and cursing them, because they would not go in.

*Counsel.* So you signed the paper.

*Metcalf.* The carpenter told us, if we would not sign it, he would send us the same way with the captain : No, said the prisoner, we'll keep the ship out at sea, as long as there's a bit of beef, or a drop of water on board, and we'll starve them ; then we signed the paper, and as soon as we had done it, the prisoner and the carpenter laughed, and said, now we are sure of you. Then we were coming down the straits, and after we came between the island of Mauritimo and Cape Bonne, we stood away to the northward, and bore away for the island of Foviano. They talked of going to Trepamy, but Coyle said, it was better to go to Foviano, because there they were not so strict in their quarantine. When we came to Foviano, we let out two anchors, and the governor in the morning sent a man on board. The prisoner dressed himself

in the captain's clothes, and he passed for captain, and we went on shore to sell some corn, and purchase fresh provisions ; but they would take no corn, and we had no money, so they could get nothing but water there. We were kept on board all the time that the prisoner was on shore ; when he returned to the ship, he took the captain's watch and his silver spoons, to see if the governor would take them for provision ; and this time Davison, and Richardson, and I, went with the prisoner on shore, and we took some casks with us, and returned with water.

*Counsel.* And what happened next ?

*Metcalf.* In the night, when they were asleep, I went down and called my fellow servants, and the Greek, and we got into the yawl ; Durrant staid behind, to slip the oars overboard, for we were afraid to throw them into the boat, for fear they should hear us ; so we lay by a little while, till the oars drove to us, and then we rowed to shore. The soldiers upon shore charged us to keep off, but we begged for God sake we might come on shore, and we told them our captain was murdered. Upon this they suffered us to land, and put us all into a cave for that night. When the governor examined us, we desired four hands to go on board the ship, least they should cut the cable or sink the ship ; but after he had examined us, he went to his own house, and set twenty or thirty soldiers over us in the cave, and they told us they could see the people in the ship, hauling the boat alongside of her. We begged them to fire a musket upon them ; but they said, they could not fire without orders from the governor ; when they got into the boat, they fired twenty or thirty muskets upon them, but they got away ; I saw them go off in the boat, and never saw any of them since, till I saw the prisoner here.

*C.* When the boat went away, who was it that fired upon them ?

*Metcalf.* The Spanish soldiers, that were upon shore.

*C.* How many of you went ashore in the boat ?

*Metcalf,* I, and my two fellow servants, and the Greek.

*Prisoner.* I would ask this witness, whether I ever abused the captain? whether I ever had any words with him, and, whether I was not his favourite?

*Metcalf.* No, I don't know that he abused the captain all the time of the voyage; the only time the captain and he had words, was at Padras; but (I think) they were friends together after this.

*Counsel.* How long after these words did the captain live?

*Metcalf.* He was killed two or three days afterwards.

### *The Prisoner's Defence.*

*Prisoner.* I have no one to appear for me, nor any friend, therefore I hope you will hear me patiently. We sailed from Leghorn, March 23; when we arrived at Messina, we took in goods, and went to a bay near Syracusa. After that, when we came to sail, the captain had some words with Larson, the boatswain, about making fast the stopper of the anchor; the boatswain got hold of the captain, and I turned myself about, and took him (the boatswain) by the collar, and said,---Caleb, what are you about to do mischief? Wallis, one of the boys, said, D——n him, heave him overboard; but I released the captain out of the boatswain's hands, and he went upon the quarter-deck. I said to Caleb, go after the captain, and fall upon your knees, and beg his pardon. Accordingly he did so, and the captain forgave him; so we proceeded on our voyage from thence to the Morea, and we landed some passengers at Salonica; we were loaded with tobacco, and were to go from thence to Ancona. I was offered a ship, but the captain persuaded me to stay with him; no better agreement could be between two people, than between him and me; nor did I ever eat or drink worse than he himself. When we had made this voyage, the captain designed to come home to Falmouth for pilchards, upon which two Greeks we had on board, desired to be discharged; he paid them their wages, and asked me if I wanted money? I told him it would be more agreeable to me, on account of my wife and family, to take my money at Leghorn. So the captain paid the Greeks off and discharged them, and this Richardson, Larson, and the Spaniard, came on board in their stead. We then sailed for Padras, with money on board, which the captain had received for freight, and money received at Leghorn. We took in a cargo at Leghorn, and in the time of loading there, this was expressed by those three young gentlemen. There was a fine sloop come from Venice, of 160 tons, which the carpenter, and these witnesses, and Spaniard, and the Greek, had agreed to cut away in the night; I heard a great deal of their villainy;—but the sloop sailing, they were disappointed in their design. Then, we being loaded, sailed about eight o'clock in the morning, the 11th of August. They took all my papers, and suffered me to save nothing, but what I brought upon my back out of the ship. In the night I went to watch from eight to twelve; they came to call me, so I went upon

the deck, and there I found the carpenter, the boatswain, and the Spaniard, I can't say where the boys were, I believe they might be in the steerage, but the carpenter said to me,—Coyle, if you don't take this broad axe in your hand, and stand at the cabin door, and if the captain offers to come up, if you don't knock him on the head, I will cut you in pieces. I said, pray don't do so; if you make a word on it, said he, I'll throw you overboard. But I thought best to take the axe into my hands, but, when they were gone, I threw it down again, and knew nothing of it, till the captain came running upon deck, and they following him. I ran and got upon the quarter-deck; then I saw the captain on the fore-top, and the carpenter and the boatswain on the fore-yard. The carpenter was an ill man, I did not like him,—he had not been on board a month,—therefore I had no commerce with him. But seeing the captain on the fore-top, and the carpenter and the boatswain on the fore-yard, I jumped into the steerage, and took up a blunderbuss, but I never loaded it, and I believe there had not been a pistol nor a blunderbuss loaded for some time, for we had not a pound of powder on board. I went for the blunderbuss to shoot the carpenter, and, being very much surprised, I snapped it, (but did not know whether it was loaded or not) with a design to shoot the carpenter on the starboard side of the quarter-deck. Metcalf and Durrant brought the captain round, and I thought they were going to heave him overboard. They know I have declared these things before, which makes them such strong evidences against me now. I came round with my blunderbuss, to strike in amongst them, I don't know that I struck, but it was taken out of my hands, and thrown overboard. The carpenter took the captain, he struggled, but there was not a blow struck, nor a drop of blood spilt. The carpenter made a reach at me with his axe, and said, G—d d—n you, you shall go first, which made me withdraw on the quarter deck; he then fetched the captain a blow, but it did not stun him; he then called out to me, Coyle, Coyle, for God's sake help me! Lord have mercy on you, said I, the men are all against you, and then they pushed him overboard. Wallis then went down into the cabin, and brought up two case-bottles, a bottle of brandy, and a bottle of rack, and they proposed to make punch royal, that is, with wine in it. Next morning I said to Wallis, what a piece of work is this! D——n him, said he, it were no matter if half the people at Yarmouth were served in the same manner. Before the consul at Tunis, he acknowledged himself guilty, and accused every one of them but me.

**Q.** If you apprehended the blunderbuss was not charged, how came you to take it up and snap it?

**Coyle.** I never examined it,—I was surprised.

**Q.** Did you go ashore at Foviano?

**Coyle.** Yes, by the carpenter's orders. I never had a rag of the captain's clothes; the carpenter took his cabin for his own habitation. If I had a mind to have been a villain, how came I to preserve the ship and cargo; they knew no more of it than you do. When

the water was stored in the forecastle, I desired them to go into Malta, but neither Metcalf, Durrant, nor Wallis, would go; if they were innocent, why should they refuse to go into safe harbour?

Q. When the captain was killed, who navigated the ship?

*Coyle.* I did, under the command of the carpenter.

Q. The witnesses say, you, and Richardson, and the rest, went away in the long boat; what became of you?

*Coyle.* We went to Tunis in Barbary. In case these three witnesses had assisted the captain, the thing could not have been done.

Q. Have you any witnesses?

*Coyle.* No, none but the boatswain and the consul of Tunis?

Q. Pray why did you leave the ship?

*Coyle* After they went from Foviano, they differed in their opinions, and were afraid of each other, so the boys took the boat, unknown to the other men, and went away; when the boatswain found the boys and boat were gone, he called the carpenter, who lay in the captain's cabin, and told him the yawl was gone. I was pleased at it, thinking they would now go away, and leave me on board; so the carpenter turned out, and called the Spaniard, Davison, and they consulted together, and hauled up the long boat, and put masts and sails into her, and took what things of mine were on board, and then the carpenter came to me with two or three cutlasses, and hauled me on deck, and said, G—d d——n you, get into the boat; I heard what they were about, and was in hopes they would have left me in the ship; I said, for God's sake don't kill me; and, while I was dressing, one of them gave me two or three blows with the flat side of his cutlass, and told me, if I would not go, he would cut me in pieces; he then ordered me into the boat, and put me to an oar, and one of them steered; we rowed a mile and got to windward of the island; then they asked me, what place they might go to, where there was no English consul? I told them they must go to Tunis or Tripoly. They said they would not go either to Tunis or Tripoly; so after a few days, we proceeded to a place

just off Tunis, and there we stopped to shelter ourselves, for the wind blew hard and we were laden. Then we proceeded to Byzarta, and landed fifteen leagues to the westward of Tunis, and the carpenter, before we put in, made me swear that I would be one of his company, and said, I should not stir from him ; he said he would run his knife through me, if I spoke any thing of this affair. When he came ashore he was dressed in the captain's clothes, and appeared very grand. He told the people he was born in New-York, and passed an examination before the governor ; what he said there I don't know ; but a paper was brought to us, and we all signed it. After a time, we had orders to come to Tunis ; we then came to Tunis, where I was confined with the carpenter, who was captain, for two days ; at last I discovered the thing, and the carpenter made his escape, but was retaken ; the boatswain turned Turk, and the other turned Jew. I was kept in prison there three months.

*Q.* Where was you taken into custody ?

*Coyle.* I surrendered myself to the vice-consul of Tunis.

*Q.* What ship was you put on board there ?

*Coyle.* I was put on board one Captain Darrel.

*Q.* Was you at large in that ship ?

*Coyle.* I had small irons put upon me, but I had my liberty to walk about the ship. From Tunis I was carried to Gibraltar, and I was in custody there two months ; from Gibraltar I was carried to Lisbon, and came home from thence in the Princess Louisa.

*Q.* And had you irons on all this time ?

*Coyle.* Yes, but I was at large.

*Q.* Have you any witnesses ?

*Coyle.* What witnesses can I have, since all the ship's crew were concerned ? As for the three witnesses against me, I have often beat them myself for abusing the captain. 'Tis hard I should have such frivolous witnesses against me, when I have been master of a ship myself seventeen years. I have used the sea in the king's and merchant's service, and defy any person to say, black is the white of my eye. Call Joseph Lyon.

*Joseph Lyon.* The last time I saw the prisoner

was five or six years ago. I have known him from thirteen to fourteen years. I never knew any harm of him, and took him to be an honest man, nor did I ever hear any one give him a contrary character. This affair I know nothing of.

*Richard Mawaring.* I have little to say in his behalf; I knew him ten years ago, and have never seen him since; he was hired and freighted by a person I had some concerns with, to carry goods to Madeira, and he performed that voyage and had then a good character; as for any thing since, I know nothing of him; he told me himself that he bored holes in the ship, on purpose to have them taken, but how true it is, I cannot tell.

*Another Witness.* I have known the prisoner 27 years, he was born just by me; I never heard any evil of him; the last time I saw him was three or four years ago, in Church-Alley, in St. Olave's parish.

*C.* Why he was aboard this Pink three years ago.

*Witness.* It might be four, for aught I know.

The jury withdrew, and in a short time returned, and found the prisoner guilty. *Death.*

He was executed at Execution Dock, 14th March, 1742.

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### GILBERT Langley,

FOR A HIGHWAY ROBBERY, DECEMBER 10, 1743.

GILBERT Langley was the son of a goldsmith in London, of the Roman catholic persuasion, who sent his son to the seat of his grandfather, in Derbyshire, when he was only three years of age. Having continued in this situation four years, his mother's anxiety induced her to fetch him home, when he was entered in the school of the Charter house, where he soon became a good classical scholar. His father now wished to send him abroad, for farther education, and that he might not fail in being brought up a strict catholic; but this was warmly opposed by the mother, through tenderness to her child; however her death soon left the father his choice, and having agreed with the prior of the Benedictine convent at Douay, then in London,

for his board and education, he committed him to the care of his new master, with whom he proceeded to Dover, sailed for Calais, and travelled thence to St. Omer's, and on the following day reached Douay, where young Langley was examined by the prior and fellows of the college, and admitted of the school. At the end of three years he became a tolerable master of the French language, exclusive of his other literary acquirements; so that, at the Christmas following, he was chosen king of the class; which is a distinction bestowed on one of the best scholars, whose business it is to regulate the public entertainments of the school. It is the custom at Douay for officers to attend at the gates of the town, to detect any persons bringing in contraband liquors, because the merchants of the place pay a large duty on them, which duty is annually farmed by the highest bidder. During the Christmas holidays, Langley and three of his school-fellows quitted the town, to purchase a small quantity of brandy at an under price; but being observed by a soldier who saw their bottles filled, he informed the officers of the affair: the consequence of which was, that the young gentlemen were stopped, and the liquor found, hid under their cassocks. They offered money for their release, but it was refused, and they were conducted to the house of the farmer-general.

At the instant of their arrival, two Franciscan friars seeing them, said it was illegal to take students before the civil magistrate, because the superior of their own college was accountable for their conduct. Hereupon they were taken home to the prior; and the farmer-general making his demand of the customary fine, the prior thought it extravagant, and refused to pay it: at length the matter was settled by arbitration. In the catholic colleges, at that time, the students lived in a very meagre manner during the season of Lent, having little to subsist on but bread and sour wine; a circumstance that frequently tempted them to supply their wants by acts of irregularity. At this season, Langley, and five of his companions, oppressed by the calls of hunger, determined to make an attack on the kitchen; but at the instant they had forced open the door, they were overheard by the servants, the con-

sequence of which was, that many furious blows were exchanged by the contending parties. On the following day, the delinquents were summoned to attend the prior, who was so incensed at this outrage against the good order of the society, that he declared they should be expelled as soon as a consistory of the monks could be held. But when the consistory assembled, they resolved to pardon all the offenders on acknowledging their faults, and promising not to renew them, except one, named Brown, who had twice knocked down the shoe-maker of the college, because he had called out to alarm the prior.

The young gentlemen, chagrined at losing their associate, determined to be revenged on some one, at least, of the servants who had given evidence against him ; and after revolving many schemes, they determined that the man who lighted the fires should be the object of their vengeance, because he had struck several of them during the rencontre. Thus resolved, they disguised themselves, and went to a wood-house adjacent to the college, and being previously provided with rods, they waited till the man came with his wheel-barrow to fetch wood, when one of them going behind him, threw a cloak over his head, which being immediately tied round his neck, the rest stripped and flogged him in the most severe manner, while he in vain called for assistance, as our heroes had taken previous care to shut the door of the wood-house. The flagellation had just ended, when the bell rung for the students to attend their evening exercise ; on which they left the unhappy victim of their revenge, and repaired to the public-hall. In the mean time the poor sufferer ran into the cloisters, exclaiming, *Le Diable ! Le Diable !* as if he really thought the devil had been tormenting him : and hence he ran to the kitchen, where he recounted the adventure to his fellow servants, who dressed his wounds, carried him to bed, and gave him something to nourish him. A suspicion naturally arising that the students had been the authors of this outrage, the servants communicated the circumstances thereof to the prior, who promised his endeavours to find out and punish the delinquents : and with this view went into the hall filled with in-

dignation : but the young gentlemen having bound themselves to secrecy by an oath, no discovery could be made.

Young Langley having distinguished himself by his attention to literature for the space of two years, the monks began to consider him as one who would make a valuable member of their society ; for which reason they treated him with singular respect ; and at length prevailed on him to agree to enter into their fraternity, if his father's consent could be obtained. As Langley was in no want of money, he frequently went into the town, to habituate himself to the manners of the people, and to observe the customs. As the succeeding Thursday was a holyday, he and one of his school-fellows, named Meynel, asked the prior permission to walk on the ramparts, which, being denied, they went out without leave, and repairing to a tavern, drank wine till they were fairly inebriated. In this condition they went to the ramparts, where, having been the laughing-stock of the company, they went home to bed. Being missed at evening prayers, some of the other students apologized for their absence, by saying they were ill ; and the excuse was very readily admitted : but in a few days afterwards, a gentleman called on the prior, and told him what a ridiculous figure his students had made on the ramparts. Incensed at this violation of their duty, the prior sent for them to his chamber, and gave orders that they should be flogged with great severity. This indignity had such an effect on the mind of Langley, that he grew reserved and remorse, and would have declined all his studies, had not one of the monks, called father Howard, restored him to his good humour by his indulgent treatment, and persuaded him to pay his usual attention to literature. Father Howard's conduct had such an effect on Langley, that he spent the greatest part of his time with that gentleman, who instructed him in the principles of logic, and was about to initiate him in those of philosophy, when his father wrote a letter, requiring him to return to his native country. The society, unwilling to lose one whom they thought would become a valuable member, the prior wrote to England, requesting that the youth

might be permitted to finish his education : but the father insisted on his return. Hereupon the young gentleman left the college, and proceeding by the way of St. Omer's, reached Calais in two days.

As the wind was contrary, it was some days longer before the company embarked for England, when, instead of putting into Dover, the vessel came round to the Thames, and the passengers were landed at Gravesend. Langley having spent all his money at Calais, now affected an air of unconcern ; saying that he had no English money in his possession, from his having been so long abroad ; on which one of the company lent him money, and on the following day he arrived at his father's house in London. When he had reposed himself some days after his journey, the father desired him to make choice of some profession, on which he mentioned his inclination to study physic or law ; but the old gentleman, who had no good opinion of either of these professions, persuaded him to follow his own trade of a goldsmith. For the present, however, he was placed at an academy, in Chancery-lane, that he might be instructed in those branches of knowledge requisite for a tradesmen ; but becoming acquainted with some young gentleman of the law, he found that his father's allowance of pocket-money was insufficient ; and being unwilling that his new acquaintances should think that he was in want of cash, he purloined small sums from a drawer in his father's shop ; and when he did not find any money there, stole some pieces of broken gold, which he disposed of to Jews. Mr. Langley the elder, having sent his son with some plate to the house of a gentleman in Grosvenor square, the youth saw a very beautiful woman go into a shop opposite a public-house ; on which he went into the latter, and enquiring after her, found she had gone to her own lodgings. Having ascertained this, he delivered his plate, and formed a resolution of visiting the lady on the Sunday following.

When the Sunday came, the old gentleman went out, as the son imagined, to smoke his pipe at an adjacent public house ; in the mean time the youth stole seven guineas from three different bags, that his father

might not discover the robbery, and immediately repaired to the lodgings of the lady whom he had seen. From her lodgings they went to a tavern, where they continued till the following day, having no idea of a detection ; but it happened that Mr. Langley, senior, instead of going to the public-house as usual, watched his son to the above-mentioned tavern. On the following day the father interrogated him respecting his preceding conduct ; and particularly asked where he had been the day before. The young fellow said he had been at church, where he met with some acquaintance, who prevailed on him to go to a tavern. The father, knowing the falsehood of this tale, corrected his son in a severe manner, and forbade him to dine at his table till his conduct should be reformed. Thus obliged to associate with the servants, young Langley became too intimate with the kitchen maid, and robbed his father to buy such things as he thought would be acceptable to her. Among other things, he purchased her a pair of shoes laced with gold, which he was presenting to her in the parlour at the very moment that his father knocked at the door. The girl instantly quitted the room ; but the old gentleman interrogating his son respecting the shoes, the latter averred that a lady who said she had bought them in the neighbourhood, desired leave to deposit them at their house till the following day. After this he was permitted to dine with his father, as usual ; but it was not long before he caught him in a too intimate connexion with the maid servant in the kitchen ; on which the girl was dismissed from her service, and a middle-aged woman, of grave appearance, hired to supply her place ; but the evil was far from being cured, as an intimacy between her and the young gentleman was soon discovered by the father. It now happened that the servant-girl who had been discharged swore herself pregnant by the son ; on which he was taken up by a warrant, and the father paid fifteen pounds to compromise the affair ; after which he received the son to his favour, and forgave all the former errors of his conduct.

By the death of the old gentleman he came into possession of a considerable fortune, exclusive of a

settled good trade ; and for the first year he applied himself so closely to business that he made a neat profit of seven hundred pounds ; he did not long continue this course of industry, but unfortunately renewed his acquaintance with those females with whom he had been formerly connected. A man of genteel appearance, named Gray, having ordered plate of Mr. Langley to the amount of a hundred pounds, invited him to a tavern to drink. In the course of the conversation the stranger said he had dealt with his late father, and would introduce him to a lady who had thirty thousand pounds to her fortune. This was only a scheme to defraud Langley, who delivered the plate, and took a draft on a vintner for the money in Bartholomew Close ; but when he went to demand payment, the vintner was removed. On the following day, the vintner's wife went to Langley, and informed him that Gray had defrauded her husband of 450l. and Langley being of a humane disposition, interested himself so far in behalf of the unfortunate man, that a letter of license for three years was granted him by his creditors.

He now commenced an action against Gray, but was not able to find him ; when one day he was accosted by a man in Fleet-street, who asked him to step into a public-house, and he would tell him where he should meet with the defrauder. Having complied with the proposal, the stranger said he would produce Mr. Gray within an hour, if the other would give him a guinea ; which being done, the stranger went out, but returned no more. Exasperated at this circumstance, which seems to have been a contrivance of one of Gray's accomplices, Langley employed an attorney, who soon found the delinquent ; against whom an action was commenced, in consequence of which he was confined several years in the Marshalsea. He now became a sportsman on the turf at Newmarket, under the instructions of a vintner in Holborn, whose niece entered into his service, but who soon fell a victim to his unbounded passion for the sex. Thus living in a continual round of dissipation, his friends recommended matrimony as the most likely step to reclaim him ; in consequence of which he married a young lady, named

Brown, with a handsome fortune. Soon after this wedding, he determined to borrow all the cash and jewels he could, and decamp with the property. As he had the reputation of being in ample circumstances, he found no difficulty in getting credit for many articles of value, with which he and his wife embarked for Holland; and in the mean time his creditors took out a commission of bankruptcy against him.

When he came to Rotterdam he applied to the States General for a protection, in apprehension of being pursued by his creditors; but the States not being then sitting, the creditors made application to lord Chesterfield, then ambassador at the Hague, which frustrated his intention. In the interim, his creditors found out his lodgings in a village near Rotterdam; but he eluded their search, leaving his wife with 400l. in the care of a friend, concealing from her the place of his retreat, to prevent any possibility of a discovery. After skulking from place to place, he returned to Rotterdam, and surrendered himself to his creditors; but found that his wife was gone with an English captain to Antwerp. On his arrival in England, he was examined before the commissioners, and treated with the accustomed lenity shewn to unfortunate tradesmen in such circumstances. His affairs having been adjusted, he sailed to Barbadoes, where he soon contracted so many debts, that he was glad to take his passage to Port Royal in Jamaica. Soon after his arrival here, he went to visit a planter at some distance, who would have engaged him as his clerk: but Langley told him that he owed twenty dollars at Port Royal, for which he had left his chest as security. The gentleman instantly giving him the money to redeem it, he went to Port Royal, assumed the name of Englefield, embarked on board a man of war as midshipman, and came to England, where the ship was paid off at the expiration of six months. Taking lodgings at Plymouth, he paid his addresses to a young lady, whom he might have married with the consent of her father—but being then in an ill state of health, he pretended to have received a summons from his friends in London, to repair immediately to that city, on an important affair, which being adjusted, he said he would return, and conclude the marriage.

On his arrival in town he sent for a man who had formerly lived with his father, from whom he learnt that the creditors had not made any dividend under the bankruptcy, and were engaged in a law-suit respecting a part of the property. This faithful old servant of his father told him that his wife had retired to the north of England; and, giving him money, recommended it to him to lodge privately in Southwark. He accordingly did so for some time; but passing through Cheapside, he was arrested, and conducted to the Poultry Compter, where he continued many months, during which he was supported by the benevolence of the old servant. While in the Compter he made bad connexions, and being concerned with some of the prisoners in an attempt to escape, he was removed to Newgate, as a place of greater security. In this prison he fell ill of a disorder which threatened his life; whereupon his friends discharged the debt for which he had been arrested, and removed him to lodgings, where he soon recovered his health. He now got recommended to a captain in the Levant trade, with whom he was to have sailed; but an unhappy attachment to a woman of ill fame, prevented his being ready to make the voyage. His friends were much chagrined at this fresh instance of his imprudence; and soon afterwards he was arrested, and carried to a sponging house, where he attempted to hang himself, but the rope breaking he escaped with life. The bailiff and his wife happening to be now absent, and only two maid-servants in the house, Langley made them both drunk, and effecting his escape, crossed the water into the Borough, where he worked some time with a colour grinder.

Disgusted with a life attended with so much labour, he contracted with the captain of a Jamaica ship, who took him to that island, on the condition of selling him as a slave; and, on his arrival, sold him to Col. Hill, who employed him to educate his children: but Langley soon running from his employer, went on board a ship bound to England, and, being impressed on his arrival in the Downs, was put on board a man of war, and carried round to Plymouth. However, he and another man deserted from the ship, and strolled

to London, where they took up their residence at a two-penny lodging: but as Langley had now no friends to support him, he contracted with one of those persons called CRIMPS, who used to agree with unhappy people to go as slaves to the colonies. His contract was to sail to Pennsylvania; but while the ship lay in the Thames, he and a weaver from Spitalfields made their escape, and, travelling to Canterbury, passed themselves as Protestant refugees. Going hence to Dover, they embarked for Calais; and, after some weeks residence in that place, Langley sailed to Lisbon, where he remained only a short time before he contracted debts, which obliged him to seek another residence, wherefore he went to Malaga in Spain. His poverty was now extreme; and while he sat melancholy one day by the sea-side, some priests asked him from what country he came; when having answered in Latin "from England," they conducted him to a convent, relieved his distress, and then began to instruct him in the principles of the Roman Catholic religion. Langley disguised his sentiments; and, after being apparently made a convert, was recommended as a page to a Spanish lady of distinction. In this situation he continued several months; but having an affair of gallantry with the niece to the old lady, he was compelled to make a precipitate retreat from a window, and shelter himself in the house of an Irish tailor, who procured a passage for him to Gibraltar in the first ship that sailed. On his arrival at Gibraltar, he would have entered into the army; but being refused, because he was not tall enough, his distress compelled him to work as a labourer, in repairing the barracks.

He soon quitted this business, and officiated as a waiter in the Tennis-court belonging to the garrison; but it being intimated to the governor that he was a spy, he was lodged in a dungeon, where he remained more than a fortnight. On obtaining his discharge, he embarked on board a Spanish vessel bound to Barbary with corn; and on his return to Spain applied to the monks of a convent, who charitably relieved him, and the Prior agreed to take him a voyage to Santa Cruz: but having no great prospect of pecuniary ad-

vantage in this way of life, he went to Oratava, where some English merchants contributed to his support. As he could get no settled employ here, he sailed to Genoa, and from thence to Cadiz. Langley being now appointed steward to the captain, in the course of his reading some letters, found one directed to Messrs. Ryan and Mannock; and having been a school-fellow with Mr. Mannock, he requested the captain's permission to go on shore, and was received in the most friendly manner by Mr. Mannock, who offered to serve him in any way within his power: when Langley said that what he wished was a discharge from his present situation. The former accordingly wrote to the captain, desiring him to pay the steward and discharge him: but this being refused, Langley took a lodging, to which he was recommended by his friend, who desired he would dine daily at his table, till he procured a passage for England. He likewise gave him money and clothes, so as to enable him to appear in the character of a gentleman.

Langley behaved with great regularity for some time; but the carnival advancing, he got into company with a woman of ill fame, with whom he spent the evening; and, on his return, was robbed of his hat, wig, and a book which he had borrowed of his friend. On the following day, Mr. Mannock saw the book lying at a shop for sale, which chagrined him so much that he asked Langley for it; who thereupon acknowledged the whole affair; and Mr. Mannock supposing the woman was privy to the robbery, took out a warrant against her, by which he recovered his book. Langley by the aid of his friend, now procured a passage for England: but, just when he was going to embark, he met with a woman who detained him till the ship had sailed; on which he took a boat, and passed over to St. Lucar, where he went on board an English vessel, which brought him to his native country. On his arrival in London, he found that his creditors under the bankruptcy had received 10s: in the pound, which gave him reason to hope that he should have a sum of money returned to him, with which he proposed to engage in a small way of business; and in that view applied to his wife's mother for her assistance, and also to inform

him where he might find his wife; but she positively refused to comply with either request. Hereupon he gave himself up to despair; associated with the worst company; and though he had some money left him at this juncture, he dissipated the whole in the most extravagant manner. Having agreed to go to Paris with one Hill, a young fellow who was in similar circumstances, they walked as far as Dover: but, on their arrival, finding that an embargo had been laid on all vessels in the port, they determined to return to London. Being now destitute of cash they demanded a man's money on the highway; but on his saying he had not any, they searched him, and took from him *three farthings*, which they threw away. For this offence they were apprehended on the same day, and being tried at the ensuing assizes, for Kent, were capitally convicted; but the sentence was changed to transportation for seven years, through the lenity of the judge, and Langley was accordingly transported in the month of December, 1740.

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CHARLES DREW, FOR THE MURDER OF HIS FATHER,  
JAN. 21, 1740.

MR. DREW, the elder, quarrelled with, and lived separate from his wife, and behaved in the most reserved and unfriendly manner to his children, who were five daughters, besides his unhappy son Charles, who murdered him.

When the son arrived at years of maturity he became acquainted with one Elizabeth Boyer, who submitted to his solicitations, but was a woman of so much art that most people thought he would marry her; and when she urged him to it, he said, "Betsy, let us stay a little longer: it will be worse for us both if I do it now, for my father will certainly disinherit me:" to which she replied, "I wish somebody would shoot the old dog." This discourse was heard to pass between them in the month of January, 1740, and Mr. Drew was found murdered in his house, on the first of February following.

Charles having been to the assizes at Chelmsford, fell in company with some smugglers, among whom was one Humphreys, a hardened villain, calculated for the execution of any desperate enterprize. With this man he held a conference ; telling him that he would inform him of a scheme by which he might make his fortune. Humphreys accordingly met him ; when Drew promised to settle two hundred pounds a year on him, if he would murder his father ; and likewise give him a considerable sum in money. Humphreys hesitated some time ; but at length consenting to the horrid proposal, they went together towards the house, having a gun loaded with slugs, about eleven at night, on the 31st of January.

It was agreed that young Drew was to stand at a distance while Humphreys was to knock at the door, and ask for the old man ; and to shoot him when he came to speak to him ; but his courage failing him when he came near the spot, he threw down the gun, saying he would have no concern in the murder. On this young Drew commanded him to keep silence on pain of death ; and taking up the gun, went to the door, and when his father opened it, shot him dead on the spot.

Having committed this horrid parricide he went away with Humphreys, to whom he said, “The job is done ;” on which Humphreys went to Dunmow in Essex, where he had appointed to meet some smugglers that night ; and after that travelled to London.

An inquest being held on the body of the deceased ; and Humphreys having heard that he was suspected, returned into the country, and was apprehended : but did not impeach Drew till some time afterwards, when the interception of some letters discovered the nature of the connexion that had subsisted between them.

Humphreys deposed on the trial, that meeting the prisoner about a fortnight after the murder was committed, he asked him if he was not concerned at the death of his father ; to which he replied in the negative, saying, “if he had lived he would have ruined the family.” Humphreys likewise endeavoured to exculpate himself from having had any share in the

murder : but how far he is to be credited in this matter our readers will judge.

Young Drew went to London, and made application for the king's pardon to any person except him who had actually murdered his father ; in consequence of which an advertisement to that purpose was inserted in the London Gazette, signed by the secretary of state ; and another advertisement followed it, in which Drew himself offered a reward of a hundred pounds, on conviction of the murderer. This procedure appears evidently to have been intended to take off all suspicion from himself, though he meant not to fix it on Humphreys.

This latter being apprehended on suspicion, gave such indifferent accounts of his proceedings, that he was ordered to be kept in custody ; and while he was in prison Drew sent him twenty pounds, with the promise of a hundred more.

After Humphreys was committed the suspicion of his guilt grew stronger, and was corroborated by several informations : this gave Drew great uneasiness ; he took the utmost pains to suppress all further informations, and even to destroy the credibility of those already made. He publicly declared that Humphreys was not the man who shot his father, and threatened to prosecute the officer who apprehended him.

In the mean time Drew resided in London, where he changed his name to that of Roberts, and corresponded with Humphreys, who had assumed the name of John Smith. Some of the letters falling into the hands of Timothy Drew, Esq. a namesake only, he went to London in search of the murderer.

Hereupon he was apprehended, and, after an examination of above six hours, was committed to Newgate under a strong guard. During his residence in prison he offered, and actually gave, to Jonathan Keate, the turnkey, a bond of half his fortune on the condition of permitting him to escape, and accompanying him to France : and for the further security of Keate, he executed a bond to him for the payment of a thousand pounds.

The turnkey seemed to comply, and the time was fixed on for their departure; but the man having informed the keeper of the progress of the affair, Drew was removed into the old condemned-hole, where a guard was placed over him night and day. On the approach of the assizes he was sent to the gaol of Bury St. Edmund's; and Humphreys being admitted an evidence, Drew was convicted.

After conviction he seemed not to have a proper sense of the enormity of the crime of which he had been guilty; and attributed it to his father's ill treatment of him. He said that his father denied him necessary money for his expenses; and his having refused to make over an estate to him, was the first instigation to his committing the horrid crime.

He was hanged near Bury St. Edmund's, on the 9th of April, 1740, aged twenty-five, amidst the greatest crowd of spectators that were ever assembled on such an occasion in that part of the country.

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CAPTAIN SAMUEL GOODERE, MATTHEW MAHONY, and CHARLES WHITE, FOR MURDER, JAN.  
1741.

SIR JOHN DINELEY GOODERE succeeded his father Sir Edward in the possession of an estate of three thousand pounds a year, situated near Evesham. His brother Samuel, the subject of this narrative, was bred to the sea, and was advanced to the rank of post captain.

Sir John married the daughter of a merchant, and received 20,000l. as a marriage portion; but mutual unhappiness was the consequence of this connexion: for the husband was brutal in his manners, and the wife, perhaps, not strictly observant of the sacred vows she had taken, for she was too frequently visited by Sir Robert Jason; and after frequent recriminations between the married pair, Sir John brought an action in the Court of Common Pleas, for criminal conversation, and 500l. damages were averred by the jury. Sir John's next step was to indict his lady for a conspiracy, and a conviction following, she was fined and

imprisoned a year in the King's Bench. He likewise petitioned for a divorce, but in the House of Lords his petition was thrown out.

Sir John having no children, Captain Samuel Goodere formed very sanguine expectations of possessing the estate ; but finding that the brother had cut off the entail in favour of his sister's children, the captain sought the most diabolical means of revenge. While the captain's vessel lay in the port of Bristol, Sir John went to that city on business ; and being engaged to dine with an attorney, named Smith, the captain prevailed on the latter to permit him to make one of their company, under pretence of being reconciled to his brother : Mr. Smith consented, and used his good offices to accommodate the difference ; and a sincere reconciliation appeared to have taken place.

This visit was made on the 10th of January, 1741, and the captain, having previously concerted his measure, brought some sailors on shore with him, and left them at a public house in waiting to seize the baronet in the evening. Accordingly, when the company broke up, the captain attended his brother through the streets, and when they came opposite the public house the seamen ran out, seized Sir John, and conveyed him to a boat. Some persons who were witnesses to this outrage would have rescued the unfortunate gentleman ; but the captain telling them he was a deserter, and the darkness of the evening preventing them from judging by his appearance, this violation of the laws was permitted to pass unobstructed.

As soon as the victim was in the boat he said to his brother, "I know you have an intention to murder me, and if you are ready to do it, let me beg that it be done here, without giving yourself the trouble to take me on board :" to which the captain said, "No, brother, I am going to prevent your rotting on land : but, however, I would have you make your peace with God this night. Sir John being put on board, appealed to the seamen for help : but the captain put a stop to any efforts that might have been made to assist him, by saying he was a lunatic, and brought on board to prevent his committing an act of suicide.

White and Mahony now conveyed him to the purser's cabin, which the captain guarded with a drawn sword, while the other villains attempted to strangle him, with a handkerchief which they found in his pocket, the wretched victim crying out murder ! and beseeching them not to kill him, and offering all he possessed as a compensation for his life. As they could not strangle him with the handkerchief, the captain gave them a cord, with which Mahony dispatched him, while White held his hands and trod on his stomach. The captain now retired to his cabin ; and the murder being committed, the perpetrators of it went to him, and told him the job was done ; on which he gave them money, and bade them seek their safety in flight.

The attorney with whom the brothers had dined, having heard of a murder, and knowing of the former animosity of the captain to his brother, went to the mayor of Bristol, who issued his warrant to the water-bailiff, who going on board, found that the lieutenant and cooper had prudently confined the captain to his cabin.

The offender being brought on shore was committed to Newgate, and Mahony and White being taken in a few hours afterwards, were lodged in the same prison. At the sessions held at Bristol, on the 26th of March, 1741, these offenders were brought to trial ; and being convicted on the fullest evidence, received sentence of death.

Captain Goodere's wife and daughter, dressed in deep mourning, took a solemn leave of him on the day before his death. He went in a mourning coach to the place of execution, to which his accomplices were conveyed in a cart. They were hanged near the Hot Wells, Bristol, on the 20th of April, 1741, within view of the place where the ship lay when the murder was committed.

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### THE REBELS, IN 1745.

SOON after the decisive battle of Culloden, April 16, 1745, the earls of Kilmarnock and Cromartie, and lord Balmerino, were taken into custody ; and lord

Lovat was afterwards apprehended on a charge of having given advice and assistance to the Pretender.

Lord KILMARNOCK, who was distinguished by the comeliness of his appearance, was brought up in the profession of the presbyterian faith; so that his joining the rebels may be deemed the more extraordinary, as there is no religion farther removed from popery than that of the presbytery of Scotland; but his lordship had married a lady who was strongly attached to jacobitical principles, and who made repeated efforts to convert him to her political sentiments: but, if the accounts transmitted to us are true, he resisted all her arguments till within a few months of the landing of the Pretender; when having applied to the ministry for a place under the government, and his suit being rejected, he became determined with regard to his future conduct.

Lord CROMARTIE derived his descent from a family which had a kind of hereditary attachment to the house of Stuart. James the second had advanced his grandfather to the dignity of an earldom, for supporting him in his unjustifiable views against the rights and privileges of his subjects.

Lord BALMERINO, as well as the earl of Cromartie, was a non-juror. He was the youngest son of the preceding lord Balmerino, and succeeded to the title but just before the battle of Culloden. He had been concerned in the rebellion in 1715, but received a pardon through the intercession of his friends. This nobleman was distinguished by his courage, and his skill as a swordsman; nor was he less distinguished by his firm adherence to the principles he had imbibed.

Lord LOVAT professed the Roman Catholic religion. He possessed consummate abilities, and was profoundly learned: nor was his skill in political matters inferior to his other acquirements.

The lords Kilmarnock, Cromartie, and Balmerino being, in the month of July, 1746, brought up to answer for their treasons before the House of Peers, assembled in Westminster Hall, the two former pleaded guilty: but lord Balmerino pleaded not guilty; on which he was put on his trial, and convicted on the fullest evidence.

When the unfortunate noblemen were carried up to receive sentence, Cromartie and Kilmarnock most humbly besought the peers to make interest with the king in their favour: but Balmerino scorned to ask such a favour, and smiled at his approaching fate.

Great interest being exerted to save the earls, it was hinted to Balmerino that his friends ought to exert themselves in his behalf; to which, with great magnanimity, he replied, I am very indifferent about my own fate; but had the two noble lords been my friends, they would have squeezed my name in among theirs.

The countess of Cromartie, who had a very large family of young children, was incessant in her applications for the pardon of her husband, to obtain which she took a very plausible method. She procured herself to be introduced to the Princess of Wales, attended by her children in mourning, and urged her suit in the most suppliant terms. The princess had at that time several children. Such an argument could scarcely fail to move; and a pardon was granted to lord Cromartie, on the condition that he should never reside north of the river Trent. This condition was literally complied with; and his lordship died in Soho Square, in the year 1766.

Orders being given for the execution of the lords Kilmarnock and Balmerino, on the 18th of August, 1746, a scaffold was erected on Tower Hill, and the coffins were placed on the scaffold, while the Sheriffs went to the Tower to demand the bodies of the devoted victims to public justice.

When the sufferers were brought out of the Tower, Kilmarnock said, God save king George; but Balmerino, still true to his former principles, exclaimed, God save king James.

The way to the place of execution was lined by soldiers of the foot guards, and parties of the horse and grenadier guards closed the procession to the fatal spot, where they had no sooner arrived than the noblemen were conducted to different apartments, appropriated to the purposes of their private devotions. Lord Kilmarnock was attended by that eminent dis-

senting minister, Dr. Foster, who had frequently visited him during his confinement.

A clergyman of the established church attended lord Balmerino ; and it was remarked, that as he passed to the place of execution some of the spectators said, which is lord Balmerino ? to which he cheerfully replied, I am lord Balmerino, gentlemen, at your service.

This brave and unfortunate man, evidently a sufferer from principle, having obtained permission from the Sheriffs to speak with lord Kilmarnock, asked him, if he knew of any orders given, previous to the battle of Culloden, that no prisoner should be suffered to live. Kilmarnock denied any knowledge of such orders ; on which Balmerino said, then it is one of their own inventions, contrived on purpose to justify their conduct.

The unfortunate sufferers having taken a final leave of each other, lord Kilmarnock and his friends joined in prayer with Dr. Foster, after which his lordship drank a glass of wine and ate a biscuit. He then applied to one of the Sheriffs, requesting that the sentence of the law might be first executed on lord Balmerino : but this, he was told, could not be complied with, as his name stood first in the warrant of execution. Hereupon he took leave of his friends ; said he should not address the people on the occasion ; and having desired Dr. Foster to attend him to the last fatal moment, ascended the steps of the scaffold. On the sight of the coffin, block, and hatchet, he turned about to a friend, and said, this is terrible ! He then kneeled down and prayed devoutly ; and the whole of his conduct so affected the executioner that he fainted ; but was recovered by the help of a glass of wine.

His lordship's friends now assisted him in preparing for the dreadful fate that awaited him ; but a considerable time was lost in tucking his hair, which was very long, under a night cap. During this dreadful interval he seemed agitated with a thousand fears ; his body was convulsed by the horrors of his mind ; and when he knelt down to the block he laid his hands over it ; a circumstance that again intimidated the executioner,

who desired him to remove his hands, which was accordingly done ; but now it was discovered that his waistcoat was in the way ; on which he arose, and being assisted by his servant in taking it off, he again kneeled down ; and after a short time spent in prayer, he dropped his handkerchief ; and his head, except a small piece of skin, was severed at one stroke ; the head being received in a cloth of red baize, was put into the coffin with the body, and conveyed to the Tower.

During a great part of this solemn interval, lord Balmerino exercised himself in devotion, and then conversed with his friends with an astonishing degree of ease and fortitude. Every one present wept but himself ; who seemed possessed with a conscious integrity of mind that supported him in this arduous trial. Sawdust being strewed over the scaffold, to hide the blood, the under-sheriff attended lord Balmerino, when the latter, preventing what he was going to say, asked if lord Kilmarnock had suffered ; and put some questions respecting the executioner. His questions being answered, he said to his friends, Gentlemen, I shall detain you no longer ; and having taken his leave of them with an air of great unconcern, walked to the scaffold in so intrepid a manner as to astonish all the spectators.

Going up to the executioner, he took the axe from his hand, and having attentively regarded it, clapped him on the shoulder as an encouragement not to be fearful in the discharge of his office. Then going to the extremity of the scaffold, he enquired for the hearse, and desired that it might be drawn nearer ; which was readily complied with. Having thrown his coat, waistcoat, and neckcloth, on his coffin, he put on a flannel waistcoat, and taking out of his pocket a plaid night cap, he put it on his head, and said, I will die like a Scotchman.

Having fitted his neck to the block, he spoke a short time to the executioner, and then addressed the spectators as follows :—“ Perhaps some persons may think my behaviour too bold, but remember, I now declare it is the effect of confidence in God, and a

good conscience ; and I should dissemble if I exhibited any sign of fear." Having placed his head on the block he stretched out his arms, and prayed in the following words : " O Lord, reward my friends, forgive my enemies, and receive my soul."

This said, he gave the signal for the stroke ; but the executioner was so affected by the magnanimity of his behaviour, that he struck him three times before the head parted from the body. It was received in a piece of red baize, as lord Kilmarnock's had been ; and a hearse having conveyed the deceased to the Tower, he was interred in the same grave with the marquis of Tullibardine, who died during his imprisonment.

Lord LOVAT was the last in the rank of peerage who suffered on account of the rebellion. He was a man of uncommon abilities and refined education ; was more than eighty years old at the time of his death, and had acted a more unaccountable part in life than almost any other man : and perhaps it may be said, with truth, that insincerity and want of principle were the distinguishing marks of his character.

The following, among other instances, will prove the extravagance of his conduct. Having addressed the heiress of Lovat, in 1693, a marriage might have ensued, but that the lady was engaged to Lord Salton's son. On this Lovat took some of his dependents to the house of that nobleman, and having caused a gibbet to be erected, swore he would hang the father and son, except all pretensions to the young lady were resigned.

This was complied with through terror, and even the contract of marriage given up : and he now intended to have seized the young lady's person ; but her mother, a widow lady, having secreted her, he was determined on revenge ; on which he went to the house of the mother, taking a clergyman with him, and being attended by several armed ruffians, he compelled the old lady to marry one of the persons who came with him. This being done he cut off her stays, and obliged her to go to bed ; and he with his associates waited till the consummation of this forced marriage. For this infamous transaction Lovat was tried as an acces-

sory to the rape, and was capitally convicted ; but received a pardon from the lenity of king William the Third.

Going to France, in 1698, he turned papist, by which he acquired the good opinion of the abdicated king James the Second, who employed him to raise recruits in Scotland ; but he revealed the substance of his commission to the British ministry ; which circumstance being discovered by some Scotch Catholics, an account of it was transmitted to France ; so that on his next visit to that country, in the year 1702, he was lodged in the Bastile, where he continued some years ; but at length obtaining his liberty, he went to St. Omers, where he entered into the order of Jesuits.

Returning to Scotland on the demise of Queen Anne, he succeeded to the title of Lovat, to which a good fortune was annexed ; but in the following year, when the Pretender landed in Scotland, he for a while abetted his cause ; but finding his interest decline he raised a regiment in opposition to him. This latter part of his conduct coming to the knowledge of king George the First, Lovat was sent for to court, where he was highly caressed.

At the time he was supporting the rebellion of 1745 with men and money, the lord president Forbes wrote to him, and conjured him, in the most earnest manner, to take a decisive and vigorous part in behalf of government : and Lovat answered him in such a manner as seemed to imply an assent to all he urged ; though at this very time the men he had sent to assist the rebels were commanded by his own son.

He was apprehended in his own house, some days after the battle of Culloden, by a party of dragoons ; but being so infirm that he could not walk, he was carried in a horse-litter to Inverness, whence he was sent in a landau to Edinburgh, under the escort of a party of dragoons. Having been lodged one night in the castle, he was conveyed to London, and committed to the Tower, only two days before Kilmarnock and Balmerino suffered the dreadful sentence of the law.

Several of the witnesses whose presence was judged necessary on the trial of lord Lovat residing in the

north of Scotland, it was thought proper to postpone it till the commencement of the following year: and he was accordingly brought to his trial before the House of Peers, in Westminster Hall, on the 9th of March, 1747, lord chancellor Hardwick presiding on the solemn occasion.

On the first day of the trial lord Lovat objected to a witness, because he was his tenant; but his competency to give his deposition being allowed, after long arguments, he deposed that his lordship had been active in raising supplies for the Pretender; who had made a descent on the kingdom in consequence of his advice:

This was the substance of the first day's proceedings; and a great part of the second was spent in debates respecting the admissibility of Mr. Murray, who had been secretary to the Pretender, as an evidence. It was urged that his evidence could not be allowed as he stood attainted; but the attorney-general having read the record of the attainer, and produced the king's pardon, all further objections fell to the ground.

On the following day Mr. Murray was examined, and proved that lord Lovat had assisted the rebels with men and money; and that he had commissioned two of his sons to cause his tenants to take arms in behalf of the Pretender.

Lord Lovat's servants proved that the Pretender had been assisted with money by his lordship: and on the fourth day several gentlemen from the Highlands gave their testimony to the same purpose.

The evidence for the crown being summed up on the fifth day, lord Lovat was acquainted by the lord high-steward that he must prepare for his defence; and, accordingly, on the sixth day, his lordship insisted that the parties who had given evidence against him were his enemies, and that they had been induced to give their testimony by threats of subordination; and he endeavoured to support his allegations by the depositions of two Highlanders; but what they said had little influence against the concurrent testimony of the other witnesses.

The peers being assembled in parliament on the

seventh day, determined on their verdict, and having returned to Westminster Hall, the culprit was informed by the lord high-steward, that he had been found guilty by his peers. To this lord Lovat said that he had been ill treated while under misfortunes ; and this he declared with so much acrimony, that the high-steward reproved him for the indecency of his behaviour, and then passed on him the sentence of the law.

After conviction lord Lovat behaved with uncommon cheerfulness, appearing by no means intimidated at the fate that awaited him. His friends advising him to apply for the royal mercy, he declined it, saying that the remnant of his life was not worth asking for. He was always cheerful in company ; entertained his friends with stories, and applied many passages of the Greek and Roman history to his own case.

On the arrival of the warrant for his execution, lord Lovat read it, and pressing the gentleman who brought it to drink a bottle of wine with him, entertained him with such a number of stories as astonished the visitor, that his lordship should have such spirits on so solemn an occasion.

The major of the Tower inquiring after his health one morning, he said, " I am well, sir ; I am preparing myself for a place where hardly any majors go, and but few lieutenant generals." Having procured a pillow to be placed at the foot of his bed, he frequently kneeled on it, to try how he should act his part at the fatal block ; and, after some practice, thought himself sufficiently perfect to behave with propriety.

Waking about two in the morning on the day before his death, he prayed devoutly for some time, and then slept till nearly seven, when he was dressed by the assistance of the warden. This day he spent with his friends, conversing cheerfully both on public and private affairs. He was even jocose in a high degree, and told the barber who shaved him to be cautious not to cut his throat, which might baulk many persons of the expected sight on the following day. Having eaten a hearty supper he desired that some veal might be roasted that he might have some of it minced for his breakfast, being a dish of which he was ex-

tremely fond. He then smoked his pipe, and retired to rest.

Waking about three in the morning, he employed some time in devotion, and then reposing himself till five o'clock, he arose, and drank a glass of wine and water, as he was accustomed to do every morning. He then employed himself about two hours in reading, which he could do without spectacles, notwithstanding his advanced age, for he had lived a life of temperance, and his eye-sight was uncommonly good.

Having called for his breakfast of minced veal, he ate heartily of it, and drank some wine and water to the health of his surrounding friends. The coffin, with his name and age, and decorated with ornaments proper to his rank, being placed on the scaffold, Mr. Sheriff Alsop went to the gate of the Tower at eleven o'clock, to demand the body. This intelligence being conveyed to lord Lovat, he requested a few minutes for his private devotions ; in which being indulged he returned cheerfully, and said, " Gentlemen, I am ready ; and having descended one pair of stairs, general Williamson requested him to repose himself a few minutes in his apartment.

Complying with this invitation, he staid about five minutes, behaved with the utmost politeness to the company, and having drank a glass of wine, got into the governor's coach, which conveyed him to the gate of the Tower, where he was received by the Sheriffs. Being conducted to a house near the scaffold, he told the Sheriff, he might give the word of command when he pleased ; for, (added he) I have been long in the army and know what it is to obey. Having drank some burnt brandy and bitters, he ascended the scaffold, and taking a survey of the surrounding multitude, he expressed his astonishment that such numbers could assemble to witness the decollation of so ancient a head.

Observing a friend on the scaffold who appeared very desponding, he put his hand on his shoulder, and said, cheer up thy heart, man ; I am not afraid, and why should'st thou ? Then giving the purse of gold to the executioner, he bade him act his part properly

saying, “ if you do not, and I am able to rise again, I shall be much displeased with you.”

He now sat down in a chair, and having repeated some sentimental lines from the classic authors, he stripped himself, and laid his head on the block. After a few minutes spent in devotion, he dropped his handkerchief; on which his head was cut off; and being received in a cloth of red baize, was put into the coffin with the body, and conveyed to the Tower in a hearse.

Immeuse crowds of spectators were on scaffolds on Tower Hill, to behold the final exit of this extraordinary man; but some of them paid dear for their curiosity; for, before he was brought out of the Tower, one of the scaffolds broke down; by which several persons were killed on the spot, and a great number had their bones broken, and were otherwise terribly bruised; to the distress of many families, and the total ruin of others. Lord Lovat was executed on the 9th of April, 1747.

CHARLES RATCLIFFE, ESQ. (brother of lord Derwentwater, who suffered in 1716,) having been taken prisoner at Preston, was conducted to London, where, being tried and convicted, he was imprisoned in Newgate, but received repeated reprieves: and it was thought he would have been pardoned in consideration of his youth. Being lodged in a room called the castle, he and thirteen other prisoners escaped to the debtors side of the prison, where the turnkey let them out, on a supposition that they were visitors to some of the unfortunate debtors.

Thus at large, Mr. Ratcliffe embarked for France, from whence he went to Rome, where he obtained a trifling pension from the Pretender. After a residence of some years in Italy he went to Paris, where he married the widow of lord Newburgh, by whom he had one son.

Coming to England in 1733, he lived some time in London: but no notice was taken of him, though he made no secret of the place of his residence.

He went again abroad, but returning in 1735, made application for a pardon; but though this was refused he still remained unmolested. Unsuccessful in this

application, he went once more to France, where he lived in a retired manner till the commencement of the rebellion in 1745, when he embarked at Calais, bringing his son with him, with a view to have joined the Pretender; but the vessel in which he sailed being taken by the Sheerness man of war, he was brought to Deal, whence being conveyed to London, he was committed to the Tower, where he remained till the rebellion was suppressed.

His son, having been born abroad, while his father denied his allegiance, was not considered as a subject of England, and was therefore exchanged on the first cartel for French prisoners.

Mr. Ratcliffe was brought up to the court of King's Bench, in Michaelmas term, 1746, and there received sentence of death on the record of his former conviction in 1716; but on account of the noble family from which he was descended, he was ordered to be beheaded, instead of being hanged.

A scaffold being erected on Little Tower Hill, the eighth of December was ordered for the day of execution; when the Sheriffs, going to the Tower about eleven o'clock, demanded the body; on which General Williamson, the deputy-governor, went to Mr. Ratcliffe's room, where he found him in a scarlet coat, faced with black velvet, and trimmed with gold, and a waistcoat laced with gold. The prisoner received the Governor and his attendants politely, and after drinking a glass of wine with them, got into a landau, which conveyed him to the back gate of the Tower, where the Sheriffs received him; and he then went into a mourning-coach, being attended by a priest of the Roman Catholic persuasion.

Near the scaffold was erected a small room hung with black, in which he was employed about half an hour in private devotion, and then ascended the scaffold. He had several friends, as well as the priest, to attend him, and he behaved in a manner remarkably resigned to his fate. After speaking to the executioner he gave him a purse of guineas; and then kneeled on the scaffold, and his friends likewise kneeling, he prayed devoutly for a few minutes; then rising up,

he put on a night-cap, threw off his clothes, placed his head on the block, and suffered the sentence of the law.

On the 23d of June, 1746, at the sessions held at St. Margaret's Hill, for the trial of the rebels, Colonel FRANCIS TOWNLEY, of the Manchester regiment, was indicted for the part he had acted in the rebellion. When the Pretender came to Manchester, Townley offered his services ; which being accepted, he was commissioned to raise a regiment, which he soon completed ; but being made a prisoner at Carlisle, he was conducted to London.

His counsel insisted that he was not a subject of Great Britain, being an officer in the service of the French king ; but this the judges observed was a circumstance against him, as he had quitted his native country, and engaged in the French service without the consent of his lawful sovereign. Some other motions being overruled, he was capitally convicted and adjudged to die.

JOHN BARWICK, formerly a linen draper of Manchester, but afterwards a lieutenant, was the next person tried and convicted.

JAMES DAWSON, a native of Lancashire, was genteely born, and liberally educated at St. John's College, in Cambridge. After leaving the university he repaired to Manchester, where the Pretender gave him a captain's commission. Dawson had paid his addresses to a young lady, to whom he was to have been married immediately after his enlargement, if the solicitations that were made for his pardon had been attended with the desired effect. The circumstance of his love, and the melancholy that was produced by his death, is so admirably touched in the following ballad by Shenstone, that Dawson's story will probably be remembered and regretted when that of the rest of the rebels will be forgotten.

#### JEMMY DAWSON ; A BALLAD.

COME listen to my mournful tale,  
Ye tender hearts and lovers dear ;  
Nor will you scorn to heave a sigh,  
Nor will you blush to shed a tear.

And thou, dear Kitty, peerless maid,  
 Do thou a pensive ear incline,  
 For thou canst weep at ev'ry woe,  
 And pity ev'ry plaint but mine.

Young Dawson was a gallant youth,  
 A brighter never trod the plain ;  
 And well he lov'd one charming maid,  
 And dearly was he lov'd again.

One tender maid she lov'd him dear,  
 Of gentle blood the damsel came,  
 And faultless was her beauteous form,  
 And spotless was her virgin fame.

But curse on party's hateful strife,  
 That led the faithful youth astray,  
 The day the rebel clans appear'd :  
 Oh had he never seen that day !

Their colours and their sash he wore,  
 And in their fatal dress was found ;  
 And now he must that death endure,  
 Which gives the brave the keenest wound.

How pale was then his true-love's cheek,  
 When Jemmy's sentence reach'd her ear ?  
 For never yet did Alpine snows,  
 So pale, nor yet so chill appear,

Yet might sweet mercy find a place  
 And bring relief to Jemmy's woes,  
 O George ! without a pray'r for thee,  
 My orisons should never close.

The gracious prince that gives him life,  
 Would crown a never-dying flame ;  
 And ev'ry tender babe I bore  
 Should learn to lisp the giver's name.

But tho', dear youth, thou should'st be dragg'd  
 To yonder ignominious tree,  
 Thou shalt not want a faithful friend  
 To share thy bitter fate with thee.

O then her mourning coach was call'd ;  
 The sledge mov'd slowly on before ;  
 Tho' borne in a triumphal car,  
 She had not lov'd her fav'rite more.

She follow'd him, prepar'd to view  
 The terrible behests of law ;  
 And the last scene of Jemmy's woes  
 With calm and stedfast eyes she saw.

Distorted was that blooming face,  
 Which she had fondly lov'd so long :  
 And stifled was that tuneful breath,  
 Which in her praise had sweetly sung.

And sever'd was that beauteous neck,  
 Round which her arms had fondly clos'd ;  
 And mangled was that beauteous breast,  
 On which her love-sick head repos'd :

And ravish'd was that constant heart,  
 She did to ev'ry heart prefer ;  
 For tho' it could its king forget,  
 'Twas true and loyal still to her.

Amidst those unrelenting flames  
 She bore this constant heart to see ;  
 But when 'twas moulder'd into dust,  
 Yet, yet, she cry'd, I'll follow thee.

My death, my death, can only shew  
 The pure and lasting love I bore ;  
 Accept, O Heav'n ! of woes like ours,  
 And let us, let us, weep no more.

The dismal scene was o'er and past,  
 The lover's mournful hearse retir'd ;  
 The maid drew back her languid head,  
 And, sighing forth his name, expir'd.

Tho' justice ever must prevail,  
 The tear my Kitty sheds is due ;  
 For seldom shall we hear a tale  
 So sad, so tender, and so true.

**GEORGE FLETCHER**, who had been a linen-draper at Stratford, near Manchester, was so ambitious of serving the Pretender, that he gave his secretary, Mr. Murray, fifty pounds for a captain's commission.

**THOMAS SYDDALL** was a barber at Manchester, and had supported a wife and five children in a creditable way, till the rebel troops arrived at that place. His father was hanged at Manchester for his concern in the rebellion of 1715, and his head had remained on the Market Cross till the year 1745, when it was taken down on the arrival of the Pretender. Syddall, who was a rigid Roman Catholic, now vowed revenge against the Protestants, with a view to accomplish which he obtained an ensign's commission from the Pretender's secretary. The attachment of this man to the Pretender was so extraordinary, that almost in

the last moment of his life, he prayed that his children might be ready to assert the same cause at the hazard of their lives.

THOMAS CHADWICK was tried immediately after Syddall. He was a tallow-chandler, but had not long followed business; for, associating with persons of jacobitical principles, he accepted the commission of lieutenant in the Pretender's service; he was tried and convicted.

THOMAS DEACON, the next person tried, was the son of a physician of eminence. His principles of loyalty being tainted by associating with jacobites, he became zealous in the cause of the Pretender; and his zeal was rewarded by the commission of lieutenant-colonel in the Manchester regiment.

ANDREW BLOOD, who had been steward to a gentleman in Yorkshire, of which county he was a native, was descended from a respectable family.

DAVID MORGAN, Esq. of Monmouthshire, had been sent by his father to study law in the Temple, and practised a short time as a counsellor, but his father dying he went to reside on his estate in the country. Having met the rebels at Manchester, he advised the Pretender to proceed immediately to London, assuring him that the whole force to oppose him did not exceed three thousand men.

The Pretender having granted Morgan a warrant to search the houses in Manchester for arms, he did this in the strictest manner; and threatened with exemplary punishment all those who opposed him. A colonel's commission was offered him; but he declined accepting it, proposing rather to give his advice than his personal assistance. When the rebels marched to Derby he quitted them; but, being taken into custody, he was lodged in Chester Castle, and thence conveyed to London: and conviction following commitment, he was sentenced to die with his associates. After the sentence of the law was passed, the convicts declared that they had acted according to the dictates of their consciences, and would again act the same if they were put to the trial.

When the keeper informed them that the following day was ordered for their execution, they expressed

their resignation to the will of God, embraced each other, and took an affectionate leave of their friends. On the following morning, July 20, 1746, they breakfasted together, and having conversed till eleven o'clock, were conveyed from the New Gaol, Southwark, to Kennington Common, on three sledges. The gibbet was surrounded by a party of the guards, and a block and a pile of faggots were placed near it. The faggots were set on fire while the proper officers were removing the malefactors from the sledges.

After nearly an hour employed in acts of devotion, these unhappy men, having delivered to the Sheriff some papers expressive of their political sentiments, underwent the sentence of the law. They had not hung above five minutes when Townly was cut down, being yet alive, and his body being placed on the block, the executioner chopped off his head with a cleaver. His heart and bowels were then taken out and thrown into the fire; and the other parties being separately treated in the same manner, the executioner cried out, God save king George!

The bodies were quartered and delivered to the keeper of the New Gaol, who buried them: the heads of some of the parties were sent to Carlisle and Manchester, where they were exposed; but those of Townly and Fletcher were fixed on Temple Bar, where they remained for many years.

Three other persons suffered soon afterwards on the same spot, for the same offence.

DONALD M'DONALD joined the Pretender soon after he came to Scotland, and had received a captain's commission. He was ever foremost where danger presented itself; was greatly distinguished at the battle of Prestonpans, and joined with lord Nairn in taking possession of Perth; services that made him of so much consequence that he was entrusted with the command of two thousand men.

JAMES NICHOLSON having accepted a lieutenant's commission on the arrival of the rebels at Edinburgh, proceeded with them as far as Derby; but when they returned to Carlisle he was taken into custody, and sent with the other prisoners to London.

WALTER OGILVIE went to lord Lewis Gordon, and joined the division of rebels under his command.

These unfortunate men suffered at Kennington Common, on the 22d of August, 1746.

The Judges furnished with a special commission, proceeded to Carlisle, to try those confined in the castle of that city, the number of whom was no less than three hundred and seventy. Orders were given that nineteen out of twenty of these should be transported, and only the twentieth man tried for his life; and that the chance of trial should be determined by lot; but many of them refused to accept these terms.

Bills of indictment having been found against them, they were informed that counsel and solicitors would be allowed them without expense; and were told that the clerk of the peace was commissioned to grant subpoenas for such witnesses as they thought might be of service to them. This being done the Judges proceeded to York castle, to try those there confined; and adjourned the assizes at Carlisle till September.

In the mean time seventy were condemned of those confined at York, the most remarkable of whom was JOHN HAMILTON, Esq.; who had been appointed governor of Carlisle, having joined the Pretender after the battle of Prestonpans. On the first of November ten of the convicts were executed at York, and eleven more on the eighth of the same month; and four were ordered to suffer on the fifteenth; but three of these were reprieved.

The judges now returned to Carlisle, and as many of the witnesses on the behalf of the prisoners had come from Scotland, they refused to be sworn in the English manner, and at length they were sworn according to the custom of their own country.

Many of the prisoners pleaded guilty; and among those who stood the event of a trial, and were convicted, was a non-juring clergyman, named Cappock, who had preached to the rebels at Carlisle and Manchester.

No less than ninety-one persons received sentence of death at Carlisle, several of whom were people of fortune, who had abandoned their better prospects in

life to take part in this rebellion. Ten of them were hanged and quartered at Carlisle on the 18th of October, and ten more at Brampton, in Cumberland, on the 21st of the same month: but many of them were transported, and several received an unconditional pardon.

Five others of the rebels, who had been tried in Surrey, suffered at Kennington Common on the 28th of the month above-mentioned; one of whom, at the place of execution, drank a health to the Pretender.

In consequence of these convictions many estates were forfeited to the crown; but king George the Second ordered them to be sold, and the whole produce, above twenty years purchase, to be given to the orphans of those who had forfeited them. The rest was employed in establishing schools in the Highlands.

DR. CAMERON. In consequence of the rebellion in 1745, an act of attainder was passed, in the following year, for the effectual punishment of persons concerned in the rebellion; and the life of Dr. Cameron was forfeited to the rigour of that act.

The brother of this unfortunate man was the chief of the family of their name in the Highlands, and had obtained the highest degree of reputation by his zealous and effectual endeavours to civilize the manners of his countrymen.

Dr. Cameron, being intended by his father for the profession of the law, was sent to Glasgow; where he continued his studies some years: but, having an attachment to the practice of physic, he entered the university of Edinburgh; whence he went to Paris, and then completed his studies at Leyden, in Holland.

Though well qualified to have cut a respectable figure in any capital city, yet he chose to reside for life near his native place; and having returned to the Highlands, he married, and settled in the small town of Lochaber, where, though his practice was small, his generous conduct rendered him the delight and blessing of the neighbourhood. His wife bore him seven children, and was pregnant of the eighth at the unfortunate period of his death.

While Dr. Cameron was living happy in his domestic circle, the rebellion broke out, and laid the foun-

dation of the ruin of himself and family. The Pretender having landed, went to the house of Mr. M'Donald, and sent for the doctor's brother, who went to him, and did all in his power to dissuade him from an undertaking from which nothing but ruin could ensue. Mr. Cameron having previously promised to bring all his clan in aid of the Pretender, the latter upbraided him with an intention of breaking his promise; which so affected the generous spirit of the Highlander, that he immediately went and took leave of his wife, and gave orders for his vassals, to the number of nearly twelve hundred, to have recourse to arms.

He sent for his brother to attend him as a physician: but the doctor urged every argument against so rash an undertaking; from which he even besought him on his knees to desist. The brother would not be denied; and the doctor at length agreed to attend him as a physician, though he absolutely refused to accept any commission in the rebel army.

Dr. Cameron exhibited repeated instances of his humanity; but when the battle of Culloden gave a decisive stroke to the hopes of the rebels, he and his brother escaped to the western islands, whence they sailed to France, in a vessel belonging to that kingdom. The doctor was appointed physician to a French regiment, of which his brother obtained the command; but the latter dying at the end of two years, the doctor became physician to Ogilvie's regiment then in Flanders.

A subscription being set on foot, in England and Scotland, in the year 1750, for the relief of those persons who had been attainted, and escaped into foreign countries, the doctor came into England to receive the money for his unfortunate fellow-sufferers. At the end of two years another subscription was opened; when the doctor, whose pay was inadequate to the support of his numerous family, came once more to this country, and having written a number of urgent letters to his friends, it was rumoured that he had returned.

Hereupon a detachment from lord George Beauclerk's regiment was sent in search of him, and he was taken in the following manner: Captain Graves, with thirty soldiers, going towards the place where it was presumed he was concealed, saw a little girl at the ex-

tremity of a village, who, on their approach, fled towards another village. She was pursued by a serjeant and two soldiers, who could only come near enough to observe her whispering to a boy, who seemed to have been placed for the purpose of conveying intelligence.

Unable to overtake the boy, they presented their guns at him; on which he fell on his knees, and begged his life; which they promised, on condition that he would shew them the place where Dr. Cameron was concealed.

Hereupon the boy pointed to the house where he was, which the soldiers surrounded, and took him prisoner. Being sent to Edinburgh, he was thence conducted to London, and committed to the Tower.

Being brought to the bar of the court of King's Bench on the 17th of May, he was arraigned on the act of attainder, when declining to give the court any farther trouble, he acknowledged that he was the same person who had been attainted: on which the lord chief justice Lee pronounced sentence in the following terms: "You, Archibald Cameron, of Lochiel, in that part of Great-Britain called Scotland, must be removed from hence to his majesty's prison of the Tower of London, from whence you came, and on Thursday, the seventh of June next, your body to be drawn on a sledge to the place of execution; there to be hanged, till you are dead; your bowels to be taken out, your body quartered, your head cut off, and affixed at the king's disposal; and the Lord have mercy on your soul!"

The convict, being brought out of the Tower, was delivered to the sheriffs at ten in the morning; and, being placed in a sledge, was drawn through the streets of London to Tyburn, amidst such an immense number of spectators as have seldom witnessed so melancholy a scene. He was dressed in a bag-wig, and wore a light-coloured coat, with scarlet waistcoat and breeches. He bowed to several people in the windows, as he passed; and there was equal manliness and composure in his behaviour. He looked round him in a manner that testified the calmness of his mind; and said to the clergyman who attended him, "this is

a glorious day to me. It is my new birth-day! There are more witnesses at this birth, than were at my first."

After the body had hung more than half an hour, it was cut down; and the remaining part of the sentence being carried into execution, the head and body were put into a coffin, and carried to an undertaker's, whence they were conveyed and interred in the chapel of the Savoy. Dr. Cameron was executed at Tyburn on the 7th of June, 1753, in the 46th year of his age.

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### RICHARD COLEMAN, FOR MURDER, April, 1749.

RICHARD COLEMAN was indicted at the assizes held at Kingston, for the murder of Sarah Green, on the 23d of July preceding; when he was capitally convicted.

Mr. Coleman had received a decent education, and was clerk to a brewer as the time the affair happened which cost him his life; he had a wife and several children, who were reduced to accept the bounty of the parish, in consequence of his conviction. The murdered person was Sarah Green, who, having been with some acquaintance to a bean-feast in Kennington Lane, staid to a late hour, and on her return towards Southwark she met with three men, who had the appearance of brewers' servants, two of whom lay with her by force, and otherwise used her in a most inhuman manner.

While in the hospital she declared that the clerk in Taylor's (then Berry's) brew-house was one of the parties who had treated her in so infamous a manner; and it was supposed that Coleman was the person to whom she alluded.

Two days after the shocking transaction had happened, Coleman and one Daniel Trotman happened to call at a public house, when a stranger asked him what he had done with the pig; meaning a pig that had been lately stolen in the neighbourhood. Coleman, unconscious of guilt, and conceiving himself affronted by such an impertinent question, said, D.—n the pig, what is it to me?

The other, who seems to have had an intention to ensnare him, asked him if he did not know Kennington Lane? Coleman answered that he did, and added, d——n ye, what of that? The other then asked him if he knew the woman that had been so cruelly treated in Kennington Lane? Coleman replied, yes, and again said, d——n ye, what of that? The other man asked, was not you one of the parties concerned in that affair? Coleman, who was intoxicated, and had no suspicion of design, replied, if I had, you dog, what then? and threw at him the spoon with which he was stirring the liquor. A violent quarrel ensued; but at length Coleman went away with Trotman.

On the 29th of August Daniel Trotman and another man went before Mr. Clarke, a magistrate in the Borough, and charged Coleman on suspicion of having violently assaulted and cruelly treated Sarah Green, in the Parsonage Walk, near Newington church, in Surrey.

The magistrate, who does not seem to have supposed that Coleman was guilty, sent for him, and hired a man to attend him to the hospital where the wounded woman lay; and a person pointing out Coleman, asked if he was one of the persons who had used her so cruelly. She said, she believed he was: but she declined to swear positively. Some time afterwards, Coleman was again taken before the magistrate, when nothing positively being sworn against him, the justice would have discharged him, but Mr. Wynne, the master of the injured girl, requesting that he might once more be taken to see her, a time was fixed for that purpose, and the justice took Coleman's word for his appearance.

The accused party came punctually to his time, bringing with him the landlord of an alehouse where Sarah Green had drunk, on the night of the affair, with the three men who really injured her: and this publican, and other people, declared on oath that Coleman was not one of the party.

On the following day, Justice Clarke went to the hospital, to take the examination of the woman on oath. Having asked her if Coleman was one of the men who had injured her, she said she could not tell, as it was

dark at the time ; but Coleman being called in an oath was administered to her, when she swore that he was one of the three men that abused her. Notwithstanding this oath, the justice, who thought the poor girl not in her right senses, and was convinced in his own mind of the innocence of Coleman, permitted him to depart, on his promise of bringing bail the following day to answer the complaints at the next assizes for Surrey ; and he brought his bail, and gave security accordingly.

Sarah Green dying in the hospital, the coroner's jury sat to inquire into the cause of her death ; and having found a verdict of wilful murder against Richard Coleman, and two persons then unknown, a warrant was issued to take Coleman into custody. Though he was conscious of his innocence, yet such were his terrors at the idea of going to prison on such a charge, that he absconded, and secreted himself at Pinner.

A proclamation was issued, offering a reward of fifty pounds for the apprehension of the supposed offender ; and to this the parish of St. Saviour, Southwark, added a reward of twenty pounds. Coleman read the advertisement for his apprehension in the Gazette, but was still so thoughtless as to conceal himself ; though perhaps an immediate surrender would have been deemed the strongest testimony of his innocence ; however, to assert his innocence, he caused the following advertisement to be printed in the newspaper :—

“ I, Richard Coleman, seeing myself advertized in the Gazette, as absconding on account of the murder of Sarah Green, knowing myself not any way culpable, do assert that I have not absconded from justice ; but will willingly and readily appear at the next assizes, knowing that my innocence will acquit me.”

Strict search being made after him he was apprehended at Pinner, above-mentioned, on the 22d of November, and lodged in Newgate, whence he was removed to the New Gaol, Southwark, till the time of the assizes at Kingston, in Surrey ; when his conviction arose principally from the evidence of Trotman, and the declaration of the dying woman. Some persons positively swore that he was in another place at

the time the fact was committed ; but their evidence was not credited by the jury

After conviction Coleman behaved like one who was possessed of conscious innocence, and who had no fear of death for a crime which he had not committed. He was attended at the place of execution by the Rev. Mr. Wilson, to whom he delivered a paper, in which he declared, in the most solemn and explicit manner, that he was altogether innocent of the crime alleged against him. He died with great resignation; lamenting only the distress in which he should leave a wife and two children.

About two years after Coleman's death, it was discovered that James Welch, Thomas Jones, and John Nichols, were the persons who actually treated Sarah Green in the inhuman manner, which occasioned her decease. These offenders had been acquainted from their childhood, and had kept the murder a secret, until it was discovered in the following manner :---While Welch and a young fellow named James Bush, were walking on the road to Newington Butts, their conversation happened to turn on the subject of those who had been executed without being guilty ; and Welch said, " among whom was Coleman ; Nichols, Jones, and I, were the persons who committed the murder for which he was hanged." In the course of conversation Welch owned that, having been at a public house called Sot's hole, they had drank plentifully, and on their return through Kennington-lane, met with a woman, with whom they went as far as the Parsonage-walk, near the church-yard of Newington, where she was so horribly abused by Nichols and Jones, that Welch declined offering her any further insult. Bush did not at that time appear to pay any particular attention to what he heard ; but soon afterwards, as he was crossing London-bridge with his father, he addressed him nearly as follows :—“ Father, I have been extremely ill ; and as I am afraid I shall not live long, I should be glad to discover something that lies heavy on my mind.” Accordingly they went to a public house in the Borough, where Bush related the story to his father, which was scarcely ended, when, seeing Jones at the window,

they called him in, and desired him to drink with them. He had not been long in their company, when they told him they heard he was one of the murderers of Sarah Green, on whose account Coleman suffered death. Jones trembled and turned pale on hearing what they said ; but soon assuming a degree of courage, said, " What does it signify ? The man is hanged, and the woman dead, and nobody can hurt us ?" To which he added, " We were connected with a woman, but who can tell that was the woman Coleman died for ?"

In consequence of this acknowledgement, Nichols, Jones, and Welch, were soon afterwards apprehended, when all of them steadily denied their guilt, and the hearsay testimony of Bush was all that could be adduced against them : Nichols, however, was admitted evidence for the crown ; in consequence of which, all the particulars of the horrid murder were developed. The prisoners being brought to trial at the next assizes for the county of Surrey, Nichols deposed, that himself with Welch and Jones, having been drinking at the house called the Sot's-hole, on the night that the woman was used in such an inhuman manner, they quitted the house in order to return home, when meeting a woman they asked her if she would drink ; which she declined, unless they would go to the King's Head, where she would treat them with a pot of beer. Hereupon they went, and drank both beer and geneva with her ; and then all the parties going forward to the Parsonage-walk, the poor woman was treated in a manner too shocking to be described.

It appeared that, at the time of the perpetration of the fact, the murderers wore white aprons ; and that Jones and Welch called Nichols by the name of Coleman ; circumstances that evidently led to the prior conviction of that unfortunate man, as it caused the dying girl to mistake their persons. On the whole state of the evidence there seemed to be no doubt of the guilt of the prisoners ; so that the jury did not hesitate to convict them, and sentence of death passed of course.

After conviction they behaved with the utmost contrition, being attended by the Rev. Dr. Howard, Rector of St. George's, Southwark, to whom they readily

confessed their offence. They likewise signed a declaration, which they begged might be published, containing the fullest assertion of Coleman's innocence ; and, exclusive of this acknowledgment, Welch wrote to the brother of Coleman, confessing his guilt, and begging his prayers and forgiveness. Jones wrote to his sister, then living in the service of a genteel family at Richmond, requesting her to make interest in his favour : but the answer he received was, that his crime was of such a nature that she could not ask a favour for him with any degree of propriety. She earnestly begged of him to prepare for death, and implore a pardon at that tribunal where alone it could be expected.---They suffered at Kennington Common, on the 6th of September, 1751.

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TAPNER, COBBY, AND OTHER SMUGGLERS,  
FOR MURDER, 1749.

THE crime for which these men were guilty was of so horrid and unprovoked a nature, that the nobility and gentry of Sussex requested a special commission for their trials might be issued ; and in consequence thereof such special commission was appointed to be held at Chichester, on the 16th of January, 1749, when Benjamin Tapner, John Cobby, John Hammond, William Jackson, William Carter, Richard Mills the elder, and Richard Mills the younger, were indicted for the murder of Daniel Chater ; the three first as principals, and the others as accessaries before the fact ; and William Jackson and William Carter were indicted for the murder of William Galley.

In the year 1747, a gang of villains having broken open the Custom House, at Poole, and carried off effects to a considerable amount, the king's proclamation was issued, offering a reward for the apprehension of the offenders. In consequence of this proclamation a man, named Dimar, was taken up on suspicion, and lodged in Chichester gaol ; and the commissioners of the customs being made acquainted with this circumstance, they wrote to the collector of

the customs at Southampton, hinting, that as Dimar was born in that town, it might be proper to send some person to Chichester who knew the prisoner, that his person might be identified on the trial.

The collector recollecting that Daniel Chater was acquainted with Dimar, and had heard him mention something respecting the breaking open the Custom-House, at Poole, he dispatched Chater, in company with William Galley, an officer of the customs, that they might be examined by the surveyor at Chichester.

On the 14th of February, 1748, Chater and Galley set out in company, and having rode to Leigh, in Hampshire, enquired their way to East Mardon, in Sussex, at a public-house where they stopped for refreshment. At this time several smugglers were in the house, and one of them observing Galley take a letter from his pocket, directed to Mr. Battine, surveyor at Chichester, he conjectured that the business of the officers was to give evidence against Dimar: on which the smugglers told them that they had missed their way by ten miles, and added, that they would go with them and put them into the right road.

This offer, so apparently generous, being accepted, they all travelled in company some miles, and then stopped to drink at the house of a widow, named Payne, who had two sons that were concerned in the illicit practice of smuggling. Mrs. Payne informed her son that she suspected the two strangers to be custom-house officers, on which the young fellows went out and brought in some of their companions. In the interim Chater and Galley drank plentifully; and the liquor opening their hearts, they were so much off their guard as to talk freely, so that the smugglers became well acquainted with their business and connexions.

Having drank about six hours they slept about two more, when it was eight o'clock at night: at which time Jackson struck them, and bade them arise, for they should stay there no longer. Hereupon the men got on horseback, and were attended by the smugglers, who, for a while, debated how to dispose of them. Some of the company proposed to confine them till they could find a convenient opportunity of

transporting them to France ; but this was opposed by the greater number of the gang.

It was not long after they quitted Mrs. Payne's house when the smugglers began to whip them in a manner most inhuman. This severity was continued about half a mile, till they reached a place called Wood-ashes, where the smugglers drank each of them a glass of brandy. Proceeding thence they continued to whip the unhappy men a mile further, when apprehending they would drop to the ground, they tied their feet under the bellies of their horses ; but, notwithstanding this caution, the poor wretches dropped, through extremity of pain, and their heads dragged on the ground.

In this manner they went forward till they arrived at a place called Lady-Holt Park, where the smugglers took Galley from the horse, with an intention of throwing him into a well ; and indeed his sufferings had been by this time so extreme that he might wish to have got rid of the burden of life at any rate.

At this juncture some of the smugglers objected to the throwing him into the well ; on which he was again placed on the horse ; but he had not rode far before he was so weak as to be unable to keep his seat ; whereupon he was taken off, and laid across the horse, with his belly downwards ; and having been thus carried more than a mile he was placed with his legs across the saddle, but his body hung over the neck of the horse.

During these scenes of inhumanity, Galley cried out, Barbarous usage ! for God's sake shoot me through the head or through the body ; but instead of complying with his request they fastened him to the horse with a cord, and one of the smugglers rode behind him ; but, in going down a hill, he fell from the horse, and expired on the spot.

The villains now threw the body of the deceased across the horse, and conveyed it to the house of a smuggler in the neighbourhood, with whom they conferred as to the mode of disposing of it. This man advised them to carry it to the distance of three-quarters of a mile, and bury it ; and when they came there

they dug a grave, and threw in the body, throwing the earth over it.

This transaction happened on the 13th of February, and on the 13th of September following (a distance of seven months) a gentleman named Stone, being on a party of hunting, discovered the grave ; and, the place being searched, the body was found in a corrupted state. The coat and boots were likewise found : the former retaining its original colour ; and in the pocket was found Mr. Galley's deputation from the commissioners of the customs. In the mean time several of the murderers had fled to France, in order to screen themselves from the justice of their country ; but some of them were afterwards admitted evidences, in order to enforce the justice. But it is now proper that we should advert to the case of the other unfortunate sufferer.

The smugglers having disposed of Galley, took Chater to the house of old Mills, one of their accomplices in iniquity, where they chained him to a stake, in an out-house where turf was kept, and in this place he remained three days. While he was in this situation Tapner pulled out a clasped knife, and swearing he would be his butcher, cut him over both his eyes, and down his forehead, so that he bled to a great degree. He was desired to say his prayers, for (to use their own language) they were come to kill him, and kill him they would. This speech was particularly made use of by Tapner ; and none of the company interposed to save his life.

At length, one of the party unlocked the chain and put him on horseback, to carry him to the well in Lady-Holt park, where having arrived, three of them got off their horses, and Tapner having tied a cord round his neck, led him forwards, when seeing some pales that surrounded the well broken down he would have gone through the opening ; but Tapner said, no, you shall get over ; which he did, with the rope about his neck.

They then put him into the well, and hung him; winding the rope about the paling ; and when his body had hung thus about a quarter of an hour, one

of them took hold of his legs and let his head fall foremost into the well; and Tapner loosening the rope the body fell to the bottom of the well. This being done they remained some time, when one of the company saying he thought he heard him breathe, they threw a gate-post or two into the well, and then departed.

On their return home they stopped at the house of one of their acquaintance to drink, where they were hardened enough to boast of the outrage they had committed, and even spoke of it as a circumstance that merited praise.

After a long and diligent search for the perpetrators of these crimes, some of the smugglers were taken up on suspicion, and being examined in presence of the commissioners of the customs, were admitted evidences for the crown, on discovering all they knew of the horrid transaction.

When the trial came on the evidence was very full and circumstantial against the prisoners; and the jury, after being out of court about a quarter of an hour, brought in a verdict of guilty against all the prisoners. The heinousness of the crime of which these men had been convicted, rendering it necessary that their punishment should be exemplary, the judge ordered that they should be executed on the following day; and the sentence was accordingly carried into execution against all but Jackson, who died in prison on the evening that he was condemned. They were hanged at Chichester, on the 18th of January, 1749. Carter was hung in chains near Rake, in Sussex; Tapner on Rooks-hill, near Chichester; and Cobby and Hammond on the sea-coast, near a place called Selsey-bill; in Sussex, where they could be seen to a great distance east and west.

Jackson had lived some years a Roman Catholic; and, from the following popish relict found in his pocket, there is little doubt but he died such.

Sancti tres reges,  
Gaspar, Melchior, Belthazer,  
Orate pro nobis, nunc et in hora  
Mortis nostræ.

Ces billets ont touché aux trois têtes de  
S. S. Rois à Cologne.

Ils sont pour des voyageurs, contre les malheurs de chemins, maux de tête, mal caduc, fièvres, soccelerie, toute sorte de malefice, et mort subite.

The English of which is,

Ye three holy kings,

Gaspar, Melchior, Belthazar,

Pray for us now, and in the hour of death.

These papers have touched the three heads of

The holy kings of Cologne.

They are to preserve travellers from accidents on the road, head-aches, falling-sickness, fevers, witchcraft, all kinds of mischief, and sudden death.

### THOMAS COLLEY, FOR MURDER. Aug. 1751.

ON the 18th of April, 1751, a man named Nichols went to William Dell, the crier of Hemel-Hempstead, in Hertfordshire, and delivered to him a piece of paper, with four-pence, to cry the words which were written on the paper, a copy of which is as follows :—

“ This is to give notice that, on Monday next, a man and a woman are to be publicly ducked at Tring, in this county, for their wicked crimes.”

This notice was given at Winslow and Leighton-Buzzard, as well as at Hemel-Hempstead, on the respective market days, and was heard by Mr. Barton, overseer of the parish of Tring, who being informed that the persons intended to be ducked were John Osborne, and Ruth, his wife, and having no doubt of the good character of both the parties, he sent them to the workhouse as a protection from the rage of the mob.

On the day appointed for the ceremony, an immense number of people, supposed to be not fewer than five thousand, assembled near the work-house at Tring, vowing revenge against Osborne and his wife, as a *wizard* and *witch*, and demanding that they should be delivered up to their fury : they likewise pulled down a wall belonging to the work-house, and broke the windows and their frames.

On the preceding evening the master of the work-house, suspecting some violence from what he had heard of the disposition of the people, sent Osborne and his wife to the vestry-room belonging to the church, as a place the most likely to secure them from insult.

The mob would not give credit to the master of the work-house that the parties were removed, but rushing into the house, searched it through, examining the closets, boxes, trunks, and even the salt-box, in search of them. There being a hole in the ceiling which appeared to have been left by the plasterers, Colley, who was one of the most active of the gang, cried out, let us search the ceiling. This being done by Charles Young, with as little success as before, they swore they would pull down the house, and set fire to the whole town of Tring, except Osborne and his wife were produced.

The master of the work-house, apprehensive that they would carry their threats into execution, informed them where the poor people were concealed; on which the whole mob, with Colley at their head, went to the church, and brought them off in triumph.

This being done, the mob conducted them to a pond called Marlston-Mere, where the man and woman were separately tied up in a cloth: then a rope was bound round the body of the woman, under her arm-pits, and two men dragged her into the pond, and through it several times; Colley going into the pond, and, with a stick, turning her from side to side.

Having ducked her repeatedly in this manner, they placed her by the side of the pond, and dragged the old man in and ducked him: then he was put by, and the woman ducked again as before, Colley making the same use of his stick. With this cruelty the husband was treated twice, and the wife three times; during the last of which the cloth in which she was wrapped came off, and she appeared quite naked.

Not satisfied with this barbarity Colley pushed his stick against her breast. The poor woman attempted to lay hold of it; but her strength being now exhausted, she expired on the spot. Then Colley went round the pond, collecting money of the populace for the

sport he had shewn them, in ducking the old witch, as he called her.

The mob now departed to their several habitations ; and the body being taken out of the pond, was examined by Mr. Foster, a surgeon ; and the coroner's inquest being summoned on the occasion, Mr. Foster deposed, that on examining the body of the deceased, he found no wound, either internal or external, except a little place that had the skin off, on one of her breasts ; and it was his opinion that she was suffocated with water and mud.

Hereupon Colley was taken into custody, and, when his trial came on, Mr. Foster deposed to the same effect, as above-mentioned ; and there being a variety of other strong proofs of the prisoner's guilt, he was convicted and received sentence of death.

On the day before his execution he received the sacrament, and then signed the following solemn declaration, which he requested might be dispersed through the several towns and villages in the county :

“ Good people,

“ I beseech you all to take warning by an unhappy man's sufferings ; that you be not deluded into so absurd and wicked a conceit, as to believe that there are any such beings upon earth as witches.

“ It was that foolish and vain imagination, heightened and inflamed by the strength of liquor, which prompted me to be instrumental (with others as mad as myself) in the horrid and barbarous murder of Ruth Osborne, the supposed witch, for which I am now so deservedly to suffer death.

“ I am fully convinced of my former error, and, with the sincerity of a dying man declare, that I do not believe there is such a thing in being as a witch ; and pray God that none of you, through a contrary persuasion, may hereafter be induced to think that you have a right in any shape to persecute, much less endanger the life of, a fellow creature. I beg of you all to pray to God to forgive me, and to wash clean my polluted soul in the blood of Jesus Christ, my Saviour and Redeemer.

“ So exhorteth you all, the dying

“ THOMAS COLLEY.”

He was executed on the 24th of August, 1751, and afterwards hung in chains at a place called Gubblecut, near where the offence was committed.

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JOHN SWAN AND ELIZABETH JEFFRIES,  
FOR MURDER.

MR. JEFFRIES, whose fatal end gives rise to this narrative, had been a capital butcher in London, but had retired to Walthamstow, in Essex, to live on his fortune; and being a widower, without children, had taken his niece, Elizabeth Jeffries, to live with him.

John Swan was brought up to the business of husbandry but had been engaged in the service of Mr. Jeffries, after having lived with several other people.

A dreadful outcry being heard at Walthamstow, about two o'clock in the morning of the 3d of July, 1751, Mr. Buckle, a near neighbour of Mr. Jeffries awaked his wife, who said, it is Miss Jeffries's tongue. Mrs. Buckle then going to the window, said, there is Miss Jeffries in her shift, without shoe or stocking, at a neighbour's door. Mr. Buckle going to her, asked her the reason of her appearance in that manner; to which she said, Oh! they have killed him, they have killed him, I fear. On his desiring her to cover herself, she said, don't mind me; see after my uncle.

Mr. Buckle going to the house, the door was opened by Swan, and the deceased was found lying on his right side, having three wounds on the left side of his head. The visitor taking him by the hand, said, my name is Edward Buckle; if you cannot speak to me, signify to me: on which Jeffries squeezed him by the hand with as much force as he could.

Some hours after this, Miss Jeffries desired Mr. Buckle to send informations through the country of the murder of her uncle, with an account of such effects as had been stolen; which a Mrs. Martin said, were a silver tankard, a silver cup, and fifteen pewter plates. Mr. Buckle said, if I could light on Matthews, I would take him up. No, said Miss Jeffries, don't meddle with him, for you will bring me into trouble, and yourself too, in so doing.

Matthews, however, was taken into custody, and from his apprehension, and other circumstances, the following facts came to light.

Matthews, having travelled from Yorkshire in search of work, was accidentally met on Epping-forest by Mr. Jeffries, who, seeing him in distress, took him home to work as an assistant to Swan in the garden: the agreement being that he should have his food only as a gratuity, but no wages.

After he had been four days in this service, Miss Jeffries sent him up stairs to wipe a chest of drawers, and some chairs; but presently following him, said, "What will you do, if a person would give you a hundred pounds?" He said, any thing in an honest way; on which she bade him go to Swan, and he would tell him.

Swan being in the garden, Matthews went to him, and told him the contents of the message; on which Swan smiled, took him to an out-house, and told him, that if he would knock the old miser, his master, on the head, he would give him 700*l.* Two days afterwards, Mr. Jeffries dismissed Matthews from his service, and gave him a shilling; and Swan about the same time, gave him half a guinea to buy a brace of pistols to murder their master.

Matthews, being possessed of this cash, went to the Green Man at Low Layton, where he spent all his money; which having done, he proceeded towards London; and being overtaken on the road by Swan, the latter asked him where he was going, Matthews said to London: on which the other took him to Mr. Gall's, the Green Man and Bell, in Whitechapel, where they drank freely till night; and Swan, being intoxicated, swore he would fight the best man in the house for a guinea. He likewise pulled off his great coat, and threw it on the fire; but the landlord taking it off, and finding it very heavy, searched the pockets, in which he found a brace of pistols.

This circumstance giving rise to unfavourable suspicion, both the men were lodged in the round-house for that night; and being carried before sir Samuel Gower the next day, he committed them to Clerkenwell-bridewell, as disorderly persons.

Miss Jeffries, being made acquainted with their situation, gave bail for their appearance ; on which they all went to Gall's house in Whitechapel, where she upbraided Matthews with bringing Swan into a scrape. He denied that he had done so ; on which she gave him a shilling, and desired Swan to tell him to meet them at the Yorkshire Grey, at Stratford. They went in a coach, and Matthews following on foot, found only Swan there, who gave him half a crown, and bade him meet him at six the next morning, at the Buck on Epping-forest. This he did, and, by appointment, came to Walthamstow on the Tuesday following, at ten o'clock at night.

When Matthews arrived, he found the garden-door on the latch, and going into the pantry, hid himself behind a tub till about eleven o'clock, when Swan brought him some cold boiled beef.

About twelve, Miss Jeffries and Swan came to him ; when the latter said, now it is time to knock the old miser, my master, on the head. Matthews relented, and said, I cannot find in my heart to do it ; to which Miss Jeffries replied, You may be damned for a villain, for not performing your promise. Swan, who was provided with pistols, likewise damned Matthews, and said he had a mind to blow his brains out for the refusal.

Swan then produced a book, and insisted that Matthews should swear that he would not discover what had passed : which he did, with this reserve, unless it was to save his own life.

Soon after this, Matthews heard the report of a pistol ; when getting out of the house by the back way, he crossed the ferry, whence he proceeded to Enfield-chase.

It has been mentioned, that Miss Jeffries was found in her shift, after the commission of the murder. We have now to add, that she screamed out, Diaper ! Diaper ! for God's sake, help ! Murder ! Fire ! Thieves ! The neighbour, Mr. Diaper, saw Miss Jeffries half way out of her window, endeavouring to get down. Mr. Diaper and one Mr. Clarke entered the house, and searched diligently ; but could find no traces of any

person having quitted the house, as there was a dew on the grass, which did not appear to be disturbed.

Swan went to fetch Mr. Forbes, a surgeon at Woodford, who observed congealed blood in the room, and examined the wounds, which, on the trial, he declared to have been mortal. Swan appeared much frightened at the time ; and said he wished that he had died with his master : for that he would have lost his own life to save his.

As there appeared no marks of any person having been in the house, but those belonging to the family, violent suspicions began to arise. Mr. Jeffries died in great agonies, at eight o'clock on the following evening.

Miss Jeffries, being taken into custody on suspicion, was examined by two magistrates, to whom she confessed that she heard the report of a pistol, and found her uncle murdered. No evidence arising to criminate her, she proved her uncle's will at Doctors' Commons, and took possession of his estate : but the coroner's inquest having sat on the body, and some circumstances of suspicion arising, she and Swan were committed to prison ; and bills of indictment being found against them, they were put to the bar, and their counsel moved for an immediate trial.

This was opposed by the counsel for the prosecution, on account of the absence of Matthews, who, it was presumed, would become a material evidence.

The counsel on both sides used all the arguments in their power ; but the trial was deferred till the following assizes.

In the interim, Mr. Gall, of the public-house in Whitechapel, resolved, if possible, to take Matthews into custody ; and conversing with one Mr. Smith, he told him that he had seen Matthews come out of the India-house, and, on inquiry, it was found that he had engaged to enter into the service of the East-India Company, and was at a house in Abel's-buildings, Rosemary-lane.

Being taken into custody on a warrant, he was admitted an evidence for the crown, and the trial of Swan and Jeffries came on at Chelmsford on the 11th of March, 1752, before judge Wright.

Miss Jeffries fainted repeatedly during the trial, and was once in fits for the space of half an hour. The evidence of Matthews was exceedingly clear ; and many corroborative circumstances arising, the jury found the culprits guilty, and they received sentence of death.

After conviction, Miss Jeffries acknowledged the justice of her sentence ; said she had deliberated on the murder for two years past, but could find no opportunity of getting it executed, till she engaged Swan in the business, and they jointly offered Matthews money to perpetrate it. She likewise confessed a variety of circumstances, which tended to prove that Swan was her real agent in the commission of the murder.

Swan for some time expressed great resentment on Miss Jeffries's confession ; but, when he learnt that he was to be hung in chains, he began to relent, and seemed at length to behold his crime in its true light of enormity.

On the day of execution they left the prison at four in the morning, Miss Jeffries being placed in a cart, and Swan on a sledge. The unhappy woman had frequent fits during the journey ; but, before she came to the place of execution, her spirits became more composed.

Swan appeared to be a real penitent, and joined with the utmost earnestness in the prayers of the clergyman who attended them. Miss Jeffries told the clergyman, that she had been seduced by her uncle while his wife was living, and that he had given her medicines to procure her abortion, at two different times ; but for the truth of this, we have no evidence but her own declaration. She fainted away just before she was tied up, nor had recovered when the cart drew away.

They were executed near the six-mile stone, on Epping-forest, on the 28th of March, 1752, ; and the body of Miss Jeffries having been delivered to her friends for interment, the gibbet was removed to another part of the forest, where Swan was hung in chains.

MISS BLANDY, *for the Murder of her Father,*  
March 3d, 1752.

CAPTAIN WILLIAM HENRY CRANSTOUN was born of a noble family in Scotland ; the paternal estate, however, was not very large ; and as the captain was but a younger son, his friends got him a commission in the army, to help him out of his narrow situation. But the captain being intoxicated with the high notions of his nobility, could not confine his expenses to his income ; but an affectation of politeness of taste in all the fashionable diversions, reduced him to such streights and difficulties, that he often practised unwarrantable means to remedy them.

To relieve his urgent necessities, he thought his best way would be to marry a woman of fortune. Accordingly, he found one to his liking, whose fortune, though not great, yet was as large as he could expect, considering the small jointure he could settle upon her. But as frugality was not his talent, his profusion soon reduced him to a terrible dilemma.

In the year 1746, the regiment he belonged to, having suffered pretty much in the late rebellion, his colonel sent him recruiting into Oxfordshire. Coming to Henley upon Thames, he paid a visit to Lord Mark Kerr, his uncle, who was then settled in that neighbourhood. It happened, that Miss Mary Blandy was there on a visit at the same time, who, the captain before had heard, was a great fortune. Here their acquaintance commenced ; and from that hour he began to scheme out measures to get possession both of her person and fortune.

Miss Mary Blandy was, at that time, about twenty six years of age, only daughter of Mr. Francis Blandy, attorney at law, and town-clerk of Henley, in Oxfordshire, who married the daughter of Mr. Sergeant Stephens.

As they had no issue of their marriage but this daughter, they were extremely fond of her ; and therefore made it their whole study to furnish her with the best accomplishments of her sex. This task her mother undertook ; and not only instructed her in

those rudiments of knowledge which were proper for one of her rank, but likewise instilled into her the principles of religion and piety.

Miss soon discovered a happy genius, in imbibing and improving the education given her by her mother. As to her temper, she was affable and polite; and with respect to her person, though she could not be reckoned a beauty, yet she was agreeable, and her conversation engaging.

With regard to Mr. Blandy, her father, he lived in great reputation, and enjoyed a flourishing business. Thus happily situated, he thought it a piece of policy to cherish the good opinion the world entertained of him, and his opulent circumstances, in order that some gentleman of estate might seek his alliance in the marriage of his daughter.

But be this as it will, the young lady was cried up for a great fortune, and consequently drew a great number of admirers and visitants to her father's house. But among all her adorers, none were so remarkably distinguished as the gentlemen of the army; and indeed, Mr. Blandy himself was so delighted with the conversation of these officers, that he was never better pleased than when he entertained some of them at his table.

It is easy to imagine, that when she was arrived at years of maturity, she had an inclination to marry; and that several disappointments she had met with, by the dislike of her father to the offers that had been made, had pretty much soured her temper, and even raised in her mind a prejudice against her father; as appeared plain enough from her saying, that the old gentleman did not use her well; that when likely offers were made, he found means to evade giving his consent for her marriage, because he did not chuse to give her a fortune.

But among all Miss Blandy's admirers, her especial regard was for the gentlemen of the army. Upon which Captain Cranstoun resolved to push his fortune.

Cranstoun was then about thirty six years of age; and though of a mean aspect, yet was possessed of some talents that generally take with the fair sex; that is, a genteel behaviour, complaisance and polite flat-

tery ; to which if we add the honour and title of his own family, and his relation to others of the nobility, there is no wonder that either Mr. Blandy or his daughter should entertain and caress him in an extraordinary manner.

After the Captain's first accidental interview with Miss Blandy at Lord Mark Kerr's, being delighted with her conversation, and more so when he understood she was a great fortune, he soon found means to insinuate himself into the acquaintance of her father, which was not very difficult to do after a man knew his weak side ; which was, to be fond of applause, with an affectation of familiarity and friendship with men of figure and eminence.

Cranstoun knew how to turn this foible to his own advantage. Accordingly he made frequent visits in Mr. Blandy's family, where he never failed of making a parade of his noble birth, and great alliances ; by which means he gained so great a share in the old gentleman's favour, that he was never easy but when he enjoyed the captain's company ; who, at length, became, as it were, one of his family, lodged at his house, constantly fed at his table, and consequently had all the opportunities he could wish of forwarding his design on the young lady.

That he was perfect master of the art of courtship is evident by his being capable of making an impression on the heart of a lady, who was remarkable for the excellence of her understanding, and who could not but see the despicable figure her lover made ; diminutive in his stature, disfigured by the small pox to such a degree, that his face appeared in seams, blear-eyed, and of mean appearance. Yet, notwithstanding all these disadvantages, he was able to surmount all difficulties, and gain an absolute command of the lady's affections.

The captain perceiving he had made no small progress in her good opinion, took advantage of a declaration she herself made, in a conversation they had upon the topic of love ; for she told him of an advantageous match that had been made to her, but was afraid the gentleman was not formed to make her happy ; whereupon Cranstoun naturally asked her,

whether she did not prefer mutual love to the grandeur of life? and her answer, (still more unguarded than her declarations) that she preferred the man that she loved and esteemed before all others, gave him a fair opportunity to make a free and undisguised offer of his love.

But, in order to convince her of his sincerity, and to prevent her surprise from any intelligence she might afterwards receive, he introduced his proposal, by informing her, that he had a very intricate affair then depending in Scotland, which was no less than a charge of being married to another woman, the validity of which, was to be tried in a court of judicature; and so confident was he of the share he already had in her affections, that he very modestly asked her, if she loved him well enough to stay till this affair was determined. Her condescension in the reply was equally remarkable; if my papa and mama, said she, would approve of my staying for you, I readily consent thereto!

This courtship, however, was not managed so secretly, but it came to the ear of lord Mark Kerr, the captain's uncle, who immediately informed Mr. Blandy of it; that so he might preserve the honour of his family, and his daughter from ruin; assuring him, that Mr. Cranstoun had then a wife and children in Scotland.

Mr. Blandy was greatly alarmed, and instantly acquainted his daughter with it, and likewise the captain; she was not at all surprised at the news, being before prepared for it; and as to the captain, he put on a good assurance, declared that it was no more than a little scene of gallantry; that he had entered into an idle contract with a girl in Scotland, but that he was never legally married; that he was able to set it aside without the least difficulty, and that he would soon do it by an appeal.

The mother, it seems, was no less infatuated than her love-sick daughter. For, when the captain averred upon his soul, that he never was married, she only replied, very well, I will take your word for that, which, if not true, must necessarily be the utter ruin of her only and beloved child!

But though the captain seemed to make light of

this affair of the Scots marriage, and carried it off with an air of indifference ; yet inwardly he was terribly chagrined that his uncle should have made so unlucky and unseasonable a discovery, which he was sensible would be an eternal bar to the great project he had of advancing his fortune, if he could not contrive some scheme to get his first marriage annulled, not that he had any objection to the person, or conduct, or virtue of his wife ; but so long as he was obliged to maintain her and her children, his means for his own support were so small, that he could not make that figure in life, to which his ambition aspired.

Having considered some time how to find an expedient to help him out of this emergency, he could think of nothing better than to persuade her to disown him for a husband ; for which purpose he wrote her a letter to the following effect.

Having no other way of rising to preferment, than the army, I have but little ground to expect advancement there, so long as it is known that I am incumbered with a wife and family ; but, could I once pass for a single man, I have not the least doubt of being quickly preferred ; which would procure me a sufficiency to maintain you as well as myself in a genteeler manner than I now am able to do. All, therefore, I have to request of you is, that you will transcribe the inclosed copy of a letter, wherein you disown me for a husband, put your maiden name to it, and send it me by the post ; all the use I shall make of it will be to procure my advancement, which will necessarily include your own benefit. In full assurance that you will comply with my request, I remain

Your most affectionate husband,

W. H. CRANSTOUN.

His wife, however, could not be easily induced to renounce her claim, though she had no great reason to be satisfied with his behaviour to her ; for having little or no subsistence but what depended on his friends, she was afraid, if she should deny herself to be his wife, they would withdraw their kindness from her. The captain, however, repeated his request with great earnestness, as if the whole happiness of his life depended on her granting him this single favour. After abundance of entreaty on his part, and reluctance on hers, she at last suffered herself to be imposed upon, copied his letter, by which she disowned herself to be his wife, and suscribed it with her maiden name, Murray.

No sooner had the captain got this acknowledgement under her own hand, but with a baseness and ingratitude, that can hardly be paralleled, he sent copies of her letter both to her relations and his own in Scotland; which so alienated their minds, that both the one and the other withdrew their support from her, whereby she was reduced to the utmost poverty and distress.

Not satisfied with this usage of a woman, to whom he had no objection, but that she was his wife, he commenced an action to prove the illegality of his marriage, as a ground for a divorce, with a view to deceive Mr. Blandy.

Upon this he brought on his cause to be heard before the judges in Scotland, where he produced her letter as evidence against her, which greatly inclined the judges to favour his cause. But when the wife came to make her defence, and produced the letter in his own writing, which she had only copied at his request, for the reasons above assigned; and declared, that nothing but a public insult upon her virtue, could have induced her to detect his villainy; the Court gave a verdict against the captain, and confirmed their marriage. Upon which her relations took her again into favour, as an object worthy their compassion. Not satisfied with this verdict, the captain appealed to the next sessions.

But notwithstanding this miscarriage, the captain kept up his spirits, and persuaded Mr. Blandy, that the affair could not be decided till next sessions, when he had not the least doubt but it would terminate in his favour; and gave him such plausible reasons, as satisfied him for the present.

Meanwhile the captain pursued his amour with Miss Blandy with as much eagerness as ever; and, not trusting to the uncertain event of his law-suit, made use of all his cunning to get possession of his mistress, without running the hazard of a second disappointment. To which purpose he entreated her, with all the power of his rhetoric, to consummate their marriage privately. She, however, was not so blinded with love, as absolutely to renounce the use of her reason

to oblige him, and could not be prevailed upon to grant his request.

In the mean time, the captain's wife, in Scotland, understanding what use her husband had made of her condescension, in facilitating a match he was about to make with a lady at Henley, thought it highly necessary to undeceive that lady and her friends, in order to prevent the mischievous consequence of their ignorance. Accordingly she wrote letters to Mr. Blandy and his daughter to inform them she was Mr. Cranstoun's lawful wife; inclosing at the same time, the decree of the Court of Scotland, whereby their marriage was absolutely confirmed. This, we should have imagined, was enough to disperse those mists from Miss Blandy's eyes, with which Cranstoun's fallacious arguments had clouded them, and to convince her that he was no better than an imposter. Instead of which, she consulted her mother in what manner she should behave on this critical occasion. Her mother advised her to write to him (for he was not yet returned from Scotland) to beg and require him, upon his honour, to let her know the truth. She thus made her application to him only, whose interest it was to deceive her. But it was not long before the captain returned, when he exerted all his eloquence to convince the father, mother, and daughter, that his cause was not finally determined, that he had lodged an appeal, and that the next sessions he should have a re-hearing, when he did not in the least question, but his pretended marriage would be absolutely annulled. But though the mother and daughter seemed quite satisfied, the old gentleman began to entertain doubts and suspicions of the sincerity of his guest; which Cranstoun saw plain enough, and often took notice of it to Miss.

But though the father did not express that cordiality for him, as he did formerly, yet this was abundantly made up to him by the uncommon affection of the mother, who shewed him more than a maternal fondness.

But the captain's affairs becoming desperate, and receiving frequent intimations, that his company was no longer agreeable to Mr. Blandy, he took his leave,

in order, as he pretended, to hasten on the appeal, which he could certainly bring on the next sessions in Scotland. But before he went, in a conference he had with Miss Blandy, he complained that her father's behaviour towards him was greatly altered from what it had been ; that he was not conscious that he deserved such ill treatment at his hands ; that, however, he had still the same respect for him as ever, and that he was resolved, if possible to regain his affections. For which purpose, as soon as he should get into Scotland, he would send her some powders, which he knew to be of such a friendly and conciliating nature, that if she would give them to her father, in such quantities as he should prescribe, he was very certain, that, by their help, he should recover the love of his old friend ; that he would put up the powder in papers, and to prevent suspicion, he would write upon them, powder to clean the Scotch pebbles. Miss promised to give her father the powders, in the manner, he (Cranstoun) should direct, not, as may charitably be imagined, suspecting his villainous design, or the terrible effects they would produce.

Miss was as good as her word, and gave her father the powders first in tea, and afterwards in water-gruel ; the consequence of which was his death ; and there being sufficient proof that she gave it him in his gruel, there were just grounds to suspect her of the murder. Upon which she was taken into custody, committed to Oxford gaol, and March 3, 1752, was brought to her trial.

The trial lasted 13 hours, and consequently a great number of witnesses were examined ; but as a general view of the evidence will give a competent idea of the nature of the crime, of which the prisoner was convicted, we shall only relate so much of it as fixes the fact upon her.

The principal witness was *Susan Gunnell*, the maid servant, who deposed, that on the Sunday senight before his death, her master being out of order, she made him some water-gruel, put it in a pan, and set it in the pantry ; that on Monday the prisoner told her she had been stirring the water-gruel, and eating the oatmeal out of it, and gave her papa a half-pint mug

of it that night ; that the next day the prisoner gave him some more of the same gruel, which disordered him very much, and he took physic ; that on Wednesday the prisoner came into the kitchen, and said to her, this witness, that as her master had taken physic he might want some gruel, and that she might give him the same again, and not leave her work, as she was ironing, to make fresh ; to which she answered it was stale, and she would make fresh, and did so ; that she had the evening before taken up the pan, and disliked the taste, and now tasted it again, and putting the pan to her mouth, observed some whiteness at the bottom, and told Betty Binfield, her fellow servant, that she never saw oatmeal settlement so white before. Oatmeal ! says Betty, I think it looks as white as flour ; she then took it out of doors where there was more light, and putting her finger to the bottom of the pan, found it gritty ; upon which she recollects that poison was white and gritty, which made her fear that this was poison ; she therefore locked it up in a closet and on Thursday morning, carried it to Mrs. Monteney, who gave it to Mr. Norton, and Dr. Addington. She further deposed, that on Wednesday morning, after she had given her master the physic, she gave Anne Emmet, the chare woman, the water-gruel that had been before made for her master, which threw the woman into such a fit of purging and vomiting, as had very near occasioned her death.

Mr. Blandy being now tortured with the most racking pains in his bowels, occasioned, in the opinion of the doctors who attended him, by poison ; the prisoner, on the Monday following, came into the room, and falling on her knees to her father, said, Sir, banish me where you please, do with me what you please, so you do but forgive me ; and as for Cranstoun, I will never see him, speak to him, or write to him more, as long as I live, if you will forgive me. To which her father made answer, I forgive thee, my dear, and I hope God will forgive thee ; but thou shouldst have considered better, before you attempted any thing against thy father ; thou shouldest have considered I was thy own father. The prisoner then said, Sir, as to your illness, I am entirely innocent. To which this

witness replied, Madam, you must not say you are entirely innocent, for the powder left in the water-gruel, and the paper taken out of the fire, are now in such hands, as will cause them to be publicly produced ; adding that she herself had taken about six weeks before, a dose in tea, that was prepared for her master. To which the prisoner answered, I have put no powder in tea, I have put powder in water-gruel ; if you have received any injury, I am entirely innocent ; it was given me for another purpose. Her father hearing this, turned himself in his bed, and said, O such a villain ! come to my house, eat of the best, and drink of the best my house could afford, and yet take away my life, and ruin my daughter ! O ! my dear, you must hate the man, you must hate the ground he goes on. To which the prisoner replied, Sir, your tenderness to me is like a sword to my heart, every word you say, is like swords piercing my heart, much worse than if you were to be ever so angry. I must down on my knees, and beg you will not curse me. To which her father answered, I curse thee, my dear ! how could'st thou think I would curse thee ; No, I bless thee ! and hope God will bless thee, and amend thy life. Do, my dear, go out of the room ; say no more, lest thou should'st say any thing to thy own prejudice. Go to thy uncle Stephens, take him for thy friend. Poor man, I am sorry for him. This witness further said, that the Saturday before, about noon, the prisoner came into the kitchen, and put some papers in the fire, and thrust them down with a stick ; on her leaving the kitchen, this witness, and Betty Binfield, took a paper out of the fire, with this written upon it, the powder to clean the pebbles. On the same day, Saturday morning, she (this witness) carried her master something to drink, and said to him, Sir, I believe you have got something in your water-gruel, that I am afraid has hurt you, and I believe Miss Blandy put it in, by her coming into the wash-house, and saying, that she had been stirring her papa's gruel, and eating the oatmeal out of it. Upon which he said, I find I am not right, my head is not right as it used to be, nor has been for some time. The witness told him she had found a powder in the pan ; upon which he

said to her, do you know any thing of this powder, did you ever see any of it ? she said, no, none but what she saw in the water-gruel. He then asked her, if she knew or could guess where she had this powder ? she replied, I can't guess any where, except from Mr. Cranstoun ; my reason is, because Miss Blandy has lately had letters oftener than usual. Her master said, now you mention it, he talked of a particular poison they had in his country. O that villain, that he ever came into my house ! she likewise told him, she had shewn it to Mr. Norton the apothecary, who had taken care of it, and thought it would be proper for him, (her father) to seize her pockets, with her keys and papers ; to which he said, I cannot do it ; I cannot shock her so much.—But can you not take out a letter or two, which she may think she has dropped by chance ? The witness replied, no Sir, I have no right, she is your daughter ; you may do it and nobody else.

The next witness was *Elizabeth Binfield*, who deposed, that her master, Blandy, about a fortnight before his death, complained of unusual pains and prickings ; that the prisoner used to appear glad when she spoke of her father's death, for that then she should be released from all her fatigues, and be happy ; that she heard the prisoner say, that her father complained of a ball of fire in his bowels, before the Monday on which he took the water-gruel ? that when Susan Gunnell was ill, the prisoner asked this witness, if Susan had taken any of her father's water-gruel ? and upon her answering she knew not, the prisoner said, if she does, she may do for herself, may I tell you that. That she heard the prisoner say, who would grudge to send an old father to hell, for 10,000l ? and this she introduced by talking of girls being kept out of their fortunes ; that she had often heard her, the prisoner, curse her father, and call him rascal and villain : that upon Saturday, the 10th of August, she was in the kitchen when her master was shaving, and the prisoner was there ; and her master said he had very nearly once been poisoned at a public house, to which the prisoner said, she remembered it very well ; her master said, that one of the company died immedi-

ately, the other is since dead, but it is my fortune to be poisoned at last ; and then looked hard at the prisoner, who appeared in great confusion, and seemed all of a tremble ; her master said farther, that it was white arsenic that was put in the wine. That she sat up with the prisoner the night before her father died, when the prisoner promised, if she would go to the Bell, or Lion, and hire a post-chaise, she would give her fifteen guineas at her getting into the chaise, and ten guineas more when they got to London ; but on her refusing to comply with this request, the prisoner burst into a laugh, and said, she was only joking. This witness likewise confirmed the evidence of Susan Gunnell, in relation to the powder found in the gruel, and other circumstances.

Mr. Littleton, Mr. Blandy's clerk, deposed, that on Sunday, the 14th of August, the prisoner put a letter into his hand, and bade him direct it as usual (as he had often done before) which he understood to be to Mr. Cranstoun, to seal it, and to put it into the post ; and having reason to suspect some foul play was going forwards, he opened the letter, transcribed it, carried it to Mr. Norton, and read it to his master, who only said, poor love-sick girl ! what will not a girl do for a man she loves ? this letter was written in these terms.

DEAR WILLY.

My father is so bad that I have only time to tell you, that if you do not hear from me soon again, don't be frightened. I am better myself. Lest any accident should happen to your letters, take care what you write ; my sincere compliments. I am ever your's.

He further said, that he had often heard her curse her father, d——n him for an old rogue, and a toothless old dog, within two months of his decease, and a great while before.

The doctors, *Addington* and *Lewis*, who attended him in his illness, declared it was their joint opinion that he died by poison ; that they had made experiments on the powder found in his gruel, and had proved it to be white arsenic.

Many other witnesses were called, who corroborated the evidence before given ; and their examinations

being finished, the prisoner was then called upon to make her defence.

In her defence, she complained much of the hardships she had undergone, both before and after her commitment to prison. Then, as to the crime with which she was charged, of poisoning her father, she said, she really thought the powder was an innocent inoffensive thing, and gave it him to procure his love ; that is, as she explained it, his love towards Mr. Cranstoun.

The judge having summed up the evidence, the jury without going from the bar, brought her in guilty of the indictment. *Death.*

The day before her execution, she received the sacrament of the Lord's supper ; and at the same time signed a paper, in which she declared she did not know or believe, that the powder, to which the death of her father had been ascribed, had any noxious or poisonous quality lodged in it ; that she had no intention to hurt, and much less destroy him, by giving him that powder.

She spent the greatest part of the night before her execution in prayer ; and the next morning was conducted to the fatal tree ; her countenance was solemn, and her deportments suitable to the sad occasion. At the gallows, she declared herself guilty of administering the powder to her father, but without knowing it had the least poisonous quality in it, or intending to do him any injury, as she hoped to meet with mercy at the great tribunal before which she should very shortly appear. And as it had been rumoured that she had been instrumental to the death of her mother in like manner as to that of her father, she declared herself not even the innocent cause of her death (if she was the innocent cause of that of her father) as she hoped for salvation in a future state.

Having mounted the ladder, and a halter being put round her neck, she pulled her handkerchief over her face, without shedding a tear all the time. In this position she prayed a little while upon the ladder ; and then gave the signal, by holding out a little book, she had in her hands. Her body, after it had hung a due

time, was cut down, put in a hearse, and conveyed to Henley, and about one o'clock the next morning, was interred between her father and mother.

We will now return to capt. Cranstoun, who, when he heard Miss Blandy was committed to Oxford gaol, secreted himself from the public ; so that when messengers were dispatched to apprehend him, he was not to be found. In his concealment (either in Scotland or the North of England) he lay for six months, that is, from the middle of August till a few days before Miss Blandy's trial, which came on the 2d of March ; when being well informed of the dangerous situation she was in, and that his own fate depended upon hers, he thought it high time to take care of himself ; which he did by transporting himself to Boulogne in France.

On his arrival at Boulogne, he found out one Mrs. Ross, a distant relation to his family. He acquainted her with the trouble he was involved in, and entreated her to protect and conceal him till the storm was a little blown over ; she promised she would, but advised him to change his name to that of Dunbar, which had been her own.

Here he thought himself secure; but some of his wife's relations, who were officers in a French regiment quartered there, got scent of him, and threatened vengeance if ever they should meet with him, for his inhuman usage of that unhappy woman ; which obliged the captain to keep very close.

But being at length very weary of his confinement, and fearing that one day he should fall a sacrifice to the resentment of his persecutors, after mature deliberation, it was agreed, that he should take a trip to Paris ; while Mrs. Ross, in order to secure him a retreat, was to go to Furnes, a Town in Flanders, where he would come to her on his return.

Accordingly he set out for Paris, where having spent about a fortnight, he went to Furnes to his good landlady. Their landlord was likewise then just returned from England, whither the captain had sent him to receive money for a bill of 60l. which was the only remittance that was sent him from his arrival in France till the time of his death.

Not long after his return to Furnes he was taken with a severe fit of illness, which had such effect upon him,

that now he began to reflect on his past life, in which he found such a black list of atrocious villainies, as drove him almost to despair. In this miserable condition he languished till he bethought himself, that possibly he might receive some spiritual relief from a father, famed for his piety, in a neighbouring convent. To him he addressed himself; and the good father having brought him to a due sense of his sins, gave him absolution, on the penitent's declaring himself reconciled to the church of Rome. Upon his death, which happened soon after, a solemn mass was sung at his funeral, and the magistrates and corporation of the town were invited to attend his corpse, and walk in procession to his grave.

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#### CAPTAIN JAMES LOWRY, *hanged at Execution Dock, for Murder.*

CAPTAIN LOWRY was a native of Scotland, and having received a liberal education, was, at his own request, apprenticed to the master of a trading vessel, with whom he served his time faithfully.

After rising by degrees to the command of a vessel, he was employed by some merchants of Jamaica to conduct a ship of theirs to England, and during the voyage committed the crime which cost him his life.

*James Gatherah*, mate of the vessel, deposed, that they left Jamaica on the 28th of October, 1750, having on board fourteen hands: that, on the 24th of December, he came on deck between four and five in the afternoon, and saw the deceased tied up, one arm to the halyards, and the other to the main shrouds, while the prisoner was beating him with a rope, about an inch and a half in thickness. This deponent returning again in half an hour, the deceased begged to be let down on a call of nature; the captain being now below, Gatherah obtained his permission to release him for the present, but was to tie him up again; but when let down he was unable to stand; which being made known to Lowry, he said, d—n the rascal, he shams Abraham; and ordered him again to be tied up. This was done, but he was not made so fast as before: which the captain observing, ordered his

arms to be extended to the full stretch, and, taking the rope, beat him on the back, breast, head, shoulders, face, and temples, for about half an hour, occasionally walking about to take breath.

About six o'clock he hung back his head, and appeared motionless: on which Lowry ordered him to be cut down, and said to Gatherah, I am afraid he is dead. Gatherah replied, I am sorry for it, but hope not. Gatherah then felt his pulse; but finding no motion there, or at his heart, said, I am afraid he is dead indeed; on which the captain gave the deceased a slap on the face, and exclaimed, d——d him, he is only shamming Abraham now.

On this the deceased was wrapped up in a sail, and carried to the steerage, where Lowry wetted a penknife, and Gatherah attempted to bleed him, but without effect. Gatherah deposed further, that the deceased had been ill of a fever, but was then recovering, and though not well enough to go aloft, he was able to do many parts of his duty.

Gatherah likewise deposed to the tyranny and cruelty of the captain to the whole ship's company, except one James Stuart; and gave several instances of his inhumanity, particularly that of his beating them with a cane, which he called, the Royal Oak Foremast.

After the evidence was recapitulated by the judge, the jury retired for about half an hour, and then delivered their verdict that the prisoner was guilty; on which he received sentence of death, and orders were given for his being hung in chains.

On the morning of his death, he seemed greatly affected when first put into the cart, but soon recovering a greater degree of courage, he bore his calamity with a tolerable share of serenity, notwithstanding the cart was surrounded by a number of sailors, who poured execrations on him, for the barbarity he had shewn to one of their brethren.

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#### WILLIAM PAGE, FOR HIGHWAY-ROBBERY.

WILLIAM PAGE was the son of a farmer at Hampton, and being a boy of promising parts, was sent to Lon-

don to the care of his cousin, who was a haberdasher, and who engaged to see him educated.

His relation, the haberdasher, employed him in his shop; but he greatly neglected his business to attend to dress. He was such a consummate coxcomb, that he was perpetually employing tailors to alter his clothes to any new fashion he had seen. This being observed by his kinsman, he directed the tailors in the neighbourhood not to receive his orders. Thus disappointed, our hero procured a dark lantern, which he secreted under his bed, and when all the family were asleep, he used to alter his clothes to the fashions then prevailing.

His relation observing this his strong propensity to a coxcomb, deprived him of those pecuniary allowances he had hitherto granted him, which tempted Page to rob the till; and the first offence he committed of this kind, was to discharge a pretended debt for which a woman with whom he was acquainted, had been arrested by a fellow who was connected with her.

This robbery was not discovered for some days; all the servants were taxed with it, though Page was least suspected; and on his steady denial of it, the matter was suffered to rest for the present, though the money missing was above fifteen pounds. The kinsman, however, with a view to discover the thief, marked several guineas, which he put into the till; and they were soon afterwards taken out by Page. The money being missed, the master went to the chamber of each servant at night, and at length found it in Page's pocket: the consequence of which was, that he was turned out of the house immediately.

Thus distressed, he repaired to his female acquaintance, who seemed ready to receive him with caresses; but understanding what had happened she caused her bullies to drive him from the house, exclaiming that, it was no receptacle for thieves; and that she would not run the risk of having her lodgings searched for such a wretch.

Thus repulsed, where he had the greatest expectation of shelter and protection, he wandered the streets for some hours, irresolute how to dispose of himself. On the following day he went to Greenwich; but being totally destitute of money, and almost starving, he

resolved to write to his relation, to beg pardon for past faults.

Having pawned two handkerchiefs, he purchased some provision, and then wrote the letter, which he carried to London. This letter so affected the kinsman, that he wrote him an answer, and sent him a guinea for present supply: but to shew his detestation of the crime, intimated that he would prosecute him for the robbery, if he presumed to make a second application.

On receipt of the money, Page exclaimed, I shall not starve yet! but such was his improvidence, that he immediately went to the vile woman with whom he had been connected, and by the next day the guinea was spent: however, she prevailed on him to write to his relation for a fresh supply.

This was the worst step he could have taken; for the kinsman having this palpable proof of his extravagance, refused him all farther assistance.—Thus reduced, he went to his father; but the kinsman having written an account of his irregular conduct, the father insisted on his leaving the house immediately, or he would have him taken into custody as a vagabond.

Thus distressed, a gentleman offered to take him to London in the character of a livery-servant.—Page hesitated some time; but his necessity obliging him to accept the offer, he put on the livery suit. Several persons who had seen him appear as a gentleman, still treated him as such, presuming that a frolic had given rise to the metamorphosis; but they were soon undeceived by his master, who told them the true state of the case.

When the gentleman and his new servant came near London, they were robbed by a highwayman; and Page hearing of several exploits performed by the same man, within a few weeks, (as he supposed by the description of his dress) thence conceived the first idea of going on the highway: but he lived above a year with his master after this, giving no reason to suspect his fidelity.

When he quitted his master, he recommended him to another; but an infectious disorder obliged him to quit the second service, and seek a cure in an hospital; where he became acquainted with a woman under the like predicament.

Happening both to be discharged on the same day, they took lodgings near Charing-Cross, and lived together for some time, till at length, reduced to poverty, Page commenced highwayman, and the woman became a street-walker.

Page's first expedition was on the Kentish road ; and meeting the Canterbury stage near Shooter's-hill, he robbed the passengers of watches and money to the amount of about thirty pounds, and then riding through great part of Kent, to take an observation of the cross roads, he returned to London.

He now took lodgings near Grosvenor-square, and frequenting the billiard tables, won a little money, which added to his former stock, prevented his having recourse to the highway again for a considerable time.

At length he met with a gambler, who being more expert than himself, stripped him of all his money : on which he again commenced highwayman ; but for some nights did not obtain a single booty.

At length he stopped a post-chaise near Hampton Court, and robbed a gentleman and lady of ten guineas, and their watches ; he took a valuable diamond ring from the gentleman, which he afterwards returned, on a reward of fifteen guineas being offered for it.

This success encouraging him to proceed in his depredations, he became more bold, and having acquired about 200*l.* on the highway, he took lodgings in Lincoln's-inn, passed as a student of law, and became acquainted with several young gentlemen who were pursuing their studies in the same place.

He now learnt to dance ; and having possessed himself of some modern literary knowledge, by the help of circulating libraries, he frequented the assemblies of Sunning-hill, Richmond, Hampstead, &c. and ladies began to look on him with distinction.

At Hampstead he became acquainted with a young lady, who conceived a great affection for him ; and her father approving the addresses of Page, the wedding-clothes were bought, and other preparations made for the nuptials. The kinsman remarking to an acquaintance, that he had seen Page in a laced coat, the gentleman was tempted to make a particular enquiry ; the result of which was, that he found the new-made beau about to be shortly married, whereupon, he in-

stantly acquainted the young lady's father; and Page was forbid all farther visits, to the regret of the daughter, who still considered him as a man of superior accomplishments.

By this time Page had drawn, from his own observation, and for his private use, a most curious map of the roads twenty miles round London : and driving in a phaeton and pair, he was not suspected for a highwayman.

In his excursions for robbery, he used to dress in a laced or embroidered frock, and wear his hair tied behind. When at a distance from London, he would turn into some unfrequented place, and having disguised himself in other clothes, with a grizzle or black wig, and then saddling one of his horses, ride to the main road and commit a robbery. This done he hastened back to the carriage ; resumed his former dress, and drove to London. He was frequently cautioned to be on his guard against a highwayman, who might meet and rob him : "No, no (said he,) he cannot do it a second time, unless he robs me of my coat and shirt, for he has taken all my money already."

He had once an escape of a very remarkable kind. Having robbed a gentleman near Putney, some persons came up at the juncture, and pursued him so closely, that he was obliged to cross the Thames for his security. In the interim, some hay-makers crossing the field where Page's carriage was left, found and carried off his gay apparel ; and the persons who had pursued him meeting them, charged them with being accomplices in the robbery. A report of this affair being soon spread, Page heard of it, and throwing his clothes into a well, went back almost naked, claimed the carriage as his own, and declared that the men had stripped him, and thrown him into a ditch.

All the parties now went before a justice of the peace ; and the maker of the carriage appearing, and declaring that it was the property of Mr. Page, the poor haymakers were committed for trial ; but obtained their liberty after the next assizes, as Page did not appear to prosecute.

After one of his expeditions on the road, he was followed to the inn where he put up his horse, and being taken into custody, was tried at Maidstone, but ac-

quitted, because the party could not swear to his identity.

The road and the gaming table became now his only places of resort ; and what he got by pillage he generally lost by play. He frequented Bath, Tunbridge, Scarborough, and Newmarket ; and when it was demanded if he was a man of fortune, the answer generally was, he plays deep ; and no farther questions were thought necessary.

Page now connected himself with an old school-fellow, named Darwell, in conjunction with whom, in the space of three years, he committed more than three hundred robberies. The money obtained by these depredations was immediately divided : and if any dispute arose concerning a watch, or other article, they tossed up which should have it ; or if they appraised it, Page paid Darwell the half of the presumed value. In the mean time, Page sold the watches to a Jew, who took them to Holland, and no farther inquiries were made after them.

On Blackheath Page robbed Captain Farrington, of Chislehurst in Kent : which robbery was afterwards positively sworn against a Mr. Douglas, by captain Farrington's postilion ; who likewise deposed, that a pistol was fired at him : but after Page was under sentence of death, he solemnly averred, that no pistol was fired ; and likewise declared with equal solemnity, that if Mr. Douglas had been convicted, he had formed a resolution of surrendering, and exculpating, that gentleman.

In the mean time, Mr. Douglas was brought to trial, and honourably acquitted, on his bringing the fullest proof that he was at a distant part at the time that the affair happened.

Soon after the commission of this robbery, Page heard that a distant relation in Scotland, who had promised to leave him his fortune, was near death : on which he took shipping for that country ; but the vessel being cast away, he lost all his effects but the clothes on his back ; and when he arrived in Scotland, his relation was dead, without having made any provision for him : on which he returned to London.

Darwell and he now renewed their depredations on

the highway, and in the course of six weeks, committed between twenty and thirty robberies on the roads adjacent to London ; and the booties obtained in some of them being considerable, Page furnished himself with the gayest apparel, and laid by a sum of money for future contingencies.

At length, after a long course of iniquity, justice Fielding received information that Darwell was on the Tunbridge road : on which he sent out some people, who apprehended him near Sevenoaks, and bringing him before the magistrate above-mentioned, he begged to be admitted an evidence for the crown ; and this request being complied with, he gave an ample account of the robberies committed by himself and Page, particularly mentioning the inns on the road which the latter frequented, and the place where he usually hired his horses.

The consequence was, that Page was apprehended at the Golden-Lion near Hyde-Park, when three loaded pistols were found on him, with powder, balls, a wig to disguise himself, and the correct map of the roads round London.

Page being remanded to Newgate, remained there from July till February, when he was tried on suspicion of robbing Mr. Webb, in Belfond-lane ; but was acquitted for want of evidence. From Herford he was removed to Maidstone gaol, and being tried at Rochester, for robbing captain Farrington, was capitally convicted, and receiving sentence of death, suffered at Maidstone on the 6th of April, 1758.

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#### DR. FLORENCE HENSEY, FOR HIGH TREASON.

DR. HENSEY was a native of the county of Kildare in Ireland, brought up a Roman catholic, and taught the rudiments of grammar by a priest of that persuasion.

Being sent to St. Omer's to study philosophy, he continued there till the degree of Master of Arts was conferred on him, and then proceeded to Leyden, where he studied physic. From Leyden he went through

Germany and Switzerland into Italy, acquiring the knowledge of the respective languages during his travels.

Embarking at Genoa, he sailed to Lisbon, and crossing the kingdom of Portugal, he went to Spain, and thence to France, endeavouring in his tour to make himself master of the Portuguese and Spanish languages. Having reached Paris, he practised physic in that city five years; but being unsuccessful, he repaired to London.

His success in England was not superior to that in France. His patients were few, and those of the lower rank of people. From his quiting the university at Leyden, he had corresponded with a brother collegian, who had settled in France, and procured a place in the office of the secretary of state at Paris.

When Dr. Hensey heard of his friend's promotion, he wrote him a letter of congratulation, in which he made a civil offer of executing any of his commands in London.

This happening at the commencement of a war between Great-Britain and France, Hensey's friend informed him, that he might be very serviceable by transmitting early intelligence of our warlike preparations. This hint being approved of by the doctor, the next post brought him instructions how to act, with an appointment of nearly 25*l.* per month.

The substance of these instructions were "to send complete lists of all our men of war, both in and out of commission; their condition, situation, and number of men on board each; when they sailed, under what commanders, from what ports, and their destination; an account of the actual number of our troops, what regiments were complete, and where quartered or garrisoned."

Dr. Hensey sent such accounts as he could procure to a gentleman at Cologne, who sent them to another at Berne in Switzerland, whence they were transmitted to Paris. Hensey's salary, ample as it was, proved unequal to the expectations he had formed: but he proceeded, in the hope of an increase of it.

His first attempt to acquire intelligence was by getting into company with the clerks of the public offices;

but not succeeding in this, he frequented the coffee-houses used by members of parliament ; and his physical appearance taking off all suspicion of his being a spy, he frequently learned such particulars as he thought worth while sending to his employers.

It was a maxim with him, not to enter into political discussions, if he could avoid it ; and when he could not he always spoke on the government side of the question, and was a professed enemy to the French ; so that, though he was generally known to be a catholic, he proceeded for a long time unsuspected.

His letters from Paris were sent by the way of Switzerland, whence they were transmitted to the post-office in London, and directed to him at a coffee-house in the Strand, by a fictitious name. A suspicion arose that these letters and their answers, which appeared to contain only a few lines of compliment, (as might be seen through the covers,) were in fact a disguise for something of great importance ; and this suspicion increasing by their frequency, the secretary of the post-office at length opened some of those from Hensey, in one of which, dated from Twickenham, he read, between the lines written with ink, another epistle written with lemon juice, earnestly advising the French to land on the English coast.

These letters were read by being held to the fire, and several of them containing expressions which were deemed treasonable, the utmost diligence was used to discover the writer, and learn his real name ; for which purpose a person was placed at the coffee-house to which the letters were directed, who followed him to his lodgings in Arundel-street, after he had received one of them.

On the following Sunday, Hensey, who was a catholic, went according to his constant custom, to the Spanish ambassador's chapel in Soho-square ; on his return from which he was seized by two of the king's messenger's and conveyed to a place of security.

He was repeatedly examined before the secretary of state, and at length committed to Newgate to take his trial for High-Treason. The grand jury of Middlesex found a true bill against him in Easter term, 1758 ; but the trial being removed, by writ of certiorari, into the

court of King's-bench, he was there arraigned, and pleaded not guilty.

He likewise demanded a copy of his indictment, which was granted, and counsel directed by the court to plead for him. He was advised to make proper preparation for his trial, which came on before lord Mansfield in Westminster-Hall.

The counsel for the crown having opened the indictment, the gentlemen of the post-office swore to the finding a number of letters in his bureau, and his hand-writing was proved by some apothecaries who had made up his prescriptions.

The doctor's counsel ingeniously pleaded a defect in the indictment, because the letters were intercepted at the post-office, which was in London; whereas the offence, if any, was committed in Middlesex, the grand jury of which county could have no right to find a bill for an offence committed in London.

The counsel for the crown replied, that though the letters had been intercepted at the post-office, the offence on which the indictment was founded had been committed at Twickenham, as appeared by the date of the letter. They further urged, that the solicitor of the treasury might have laid the indictment in the city of London; but he preferred fixing it in the county, because the letter from Twickenham was of the most dangerous tendency, and the other letters were to be considered only as collateral evidence against the prisoner.

Dr. Hensey's counsel now objected, that the writing a treasonable letter was not an overt-act of high-treason, except this letter was published: in answer to which it was insisted, that the delivery of it at the post-office was an actual publication of it. The doctor's counsel farther said, that he had not corresponded with the enemies of the king, for we were not at war with the Dutch, and the letters were directed to people in Holland.

The evidences having proved that the letter dated at Twickenham contained an invitation to the French to invade this kingdom, that was considered as an overt-act of high-treason, on which the plea of the prisoner

was over-ruled, and the evidence was summed up by lord Mansfield.

Dr. Hensey had hitherto supported himself with courage; but during the absence of the jury, which was about three quarters of an hour, he trembled excessively, and repeatedly changed colour, while large drops of sweat ran down his face, and he burst into tears, and gave every proof of the greatest agitation of mind.

On the return of the jury, he had scarcely strength to hold up his hand at the bar. A verdict of guilty being pronounced, a rule of court was made for his being brought up to receive sentence on the Wednesday following. While lord Mansfield was pronouncing sentence, on the appointed day, the convict shed tears, turned pale, and trembled exceedingly; and after sentence, he begged a fortnight to make proper preparation for his death: but the court generously granted him a month.

From his first apprehension by the king's messengers, his behaviour had been remarkably reserved. He declined all conversation on his private affairs, and was visited by very few, except his confessor. He was so reduced while in Newgate, as to be obliged to pawn his sword and linen for his support.

A respite was sent for him early on the morning on which he was to have been executed, and afterwards a reprieve during the king's pleasure. After this he continued above three years in Newgate, and then embarked for France, on obtaining a free pardon.

It was presumed, that the political reason for respiting Dr. Hensey arose from a view to discover his accomplices, if he had any; but as no such discovery was ever made, it is but reasonable to suppose that the favour shewn him arose from a different cause.

At the time Hensey was apprehended, his brother was secretary and chaplain to the Spanish ambassador at the Hague. To this brother he wrote an account of his misfortunes: in consequence of which the Spanish ambassador at London, was applied to by the gentleman in similar office at the Hague; and such representations were made to the English ministry that the reprieve above-mentioned followed; though the King

could not be prevailed on to grant him a free pardon : but soon after the accession of George the third this pardon was granted, and the prisoner discharged on giving the usual security for his good behaviour.

Dr. Hensey's trial and conviction was in the court of King's-Bench, on the 12th of June, 1758.

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### ROBERT FRANCIS DAMIENS, FOR STABBING LOUIS XV. KING OF FRANCE, 1757.

DAMIENS was the son of a poor labouring man of Tieuloy, a hamlet in the earldom of Artois. He lived in various menial situations previous to the year 1756, when he was taken into the service of Mr. Mitchell, a Russian merchant, then at Paris. Damiens had not been in this situation more than two days before he decamped with two hundred and fifty Louis d'ors, (6000 livres, or 262l. 10s.) and made his escape from Paris.

On Wednesday, the 5th of January, he desired Mrs. Fortier, the landlady of the Inn at which he lodged, about eleven o'clock in the forenoon, to send for a surgeon to bleed him : but the weather being then very cold, Mrs. Fortier imagined he was in jest, and answered him accordingly. However, Damiens, when confonted with her at his trial, insisted, that had he been bled, as he desired, he should not have committed the crime.

About two o'clock in the afternoon he went out of the inn ; and from four o'clock was observed to saunter about the courts of the palace of Versailles. One of the guards declared, that being on duty under the archway that leads to the apartments of the princesses, he saw Damiens accosted by a thin man, about five feet high, and about five-and-thirty or forty years of age ; who said to Damiens, as he came up to him, Well ! to which Damiens answered, Well ! I am waiting. Damiens pretended that this guardsman inverted the order of the dialogue ; that it was himself who said Well, and that the other answered, Well, I am waiting. Damiens, being urged to declare who

was the person, pretended that it was one who was applying for liberty to make a public shew of a machine.

The king had, that afternoon, come from Trianon to Versailles to see the princesses ; and desiring to return thither, left their apartment about three quarters of an hour after five, accompanied by the Dauphin and the whole court. Just as his majesty was stepping into his coach, leaning on the count of Brionne, the grand equerry, and the marquis of Beringhen, first equerry, Damiens, who had concealed himself in a little hollow at the bottom of the stairs near the archway, rushed in among the courtiers, and in running towards the king, jostled the Dauphin, and the duke of Ayen, captain of the guards-du-corps upon duty ; then laying hold of his majesty by one shoulder with one hand, with the other he stabbed him in the right side, directly at the fifth rib, with that blade of his knife which was of the penknife fashion. Upon receiving the wound the king said, I have had a furious stroke given me ; but putting his hand under his clothes, and taking it out all bloody, he said that he was wounded. Damiens, although he had wiped and shut the knife, never thought of pulling off his hat after he gave the blow : and the king turning instantly about after he was wounded, and observing him with his hat upon his head, said, there is the man who struck me, let him be seized, and no harm done to him ; and then retired to his apartment.

It is possible that Damiens might have escaped undiscovered if he had either taken off his hat immediately after the stroke, or when he was ordered, as he was pressing through the courtiers to get at his majesty ; which he refused, saying, It is my way. One of the king's footmen immediately secured him and committed him to the care of the guards, who conducted him to their hall, where he was searched and stripped. There was nothing found about him worth mentioning, but a knife with two blades, the one pretty large and pointed, the other (with which he attempted the assassination) shaped like a penknife ; about seven and thirty louis d'ors, and some silver coin, and a book, intitled, "Christian Prayers and In-

structions," which, he said, he received from his brother, Anthony Joseph, at St. Omer's.

When some interrogatories were put to him, immediately after he was in the custody of the guards, he said, more than once—let them take care of my lord the Dauphin : do not let my lord the Dauphin go out for the rest of the day. These words giving just room to suspect his having accomplices, and that the bloody design was not solely against the king, he was urged to discover them ; but Damiens evasively answered, they were a great way off by this time, and out of reach ; but that if he impeached them, all would be over. He likewise declared, that if four or five bishops' heads had been struck off, this would not have happened.

Damiens' speeches being mysterious, and yet implying his having confederates, some persons, out of zeal, and in detestation of the villainous deed, endeavoured to make him discover his accomplices by putting him to torture. Accordingly they placed him near a great fire in the guard room ; and applied red-hot tongs to his legs : but it was all in vain, for Damiens, instead of making any discovery, upbraided the lord-keeper to his face, with being in a great measure the author of the public troubles, and a betrayer of the rights of parliament. Damiens giving no manner of satisfaction the torture was continued but a short time ; especially as it might produce such effects upon his body as would render him unable to undergo a more solemn trial ; where it was hoped he would be induced to make an ingenious confession, and impeach his associates, or be convicted on clear evidence.

The king having thought proper to have Damiens tried by the Parliament of Paris, instead of the Provostship of Versailles, (whose proceedings in the cause carried on before them, his majesty ratified) the criminal was removed from the jail of Versailles, where he had made some attempts to kill himself, in the evening of the 17th of January, the coach he was in being well guarded, and the road secured by numerous patrols. He arrived, about two o'clock in the morning of Tuesday the 18th of January, 1757, at the

Conciergerie, in Paris ; from the gate of which sentinels were placed within, in a line to the court yard of the tower of Montgomery, at the bottom of which was a guard of twelve soldiers, to relieve the sentinels within.

By some queries put to Damiens it would appear that his judges had an oblique suspicion of some person in England being privy to his sanguinary design. But whether their suspicion arose from circumstances relating to an affair that happened about ten years before that in Sweden, or from whatever cause, the questions were :—

—Whether he had ever made a voyage to England, and if his design was not to return thither from Dunkirk, the last time he was there ?

Damiens answered, he never was in England.—But if he had he would have found few of his principles.

—Whether, in the different services he had passed through, he had not served foreigners, especially the English ?

Damiens answered, he had not.

His answer with respect to not serving any foreigner is absolutely false ; for Dubas, the Swiss officer, though in the French army ; and Mitchel, the Russian merchant, were as much foreigners in France as any Englishman.

On Saturday, the 26th of March, Damiens was solemnly examined for the last time by his judges ; before whom he appeared with as much assurance as if he had been innocent of the heinous crime with which he was charged.

Of other questions the following were amongst the last put to him ; which will give a sufficient specimen of his obduracy and want of sincerity.

Q. Who made him believe that it was meritorious to kill the king ?

A. His intention was not to kill him : and has nothing further to answer on that head.

Q. How could he imagine that he could stab the king in such a manner as only to wound and not kill him ?

A. If he had plunged the knife three-quarters of an inch higher he had killed him.

Q. What precaution had he taken to stab the king in the very part that he did ?

A. If he had formed a design to kill the king, no person could have hindered his giving him several stabs.

It was represented to him that the last answer was falsified by what he had said upon former interrogatories, when he owned that the whole horror of the crime had presented itself to his mind the very instant of his committing it, his legs having failed him, and he scarce knew where he was.

A. Since he had time to shut his knife, and put it up in his pocket, he must probably know where he was.

It was remonstrated to him that this answer evidently proved the confusion he was in at that time ; and that he would have taken off his

hat, and availed himself of the time he had to escape, if his mind had been free.

A. He has nothing more to say on that head.

It was represented to him that his confusion and obstinacy, in not declaring from what principles he judged his action meritorious, is proof that he is bound by some terrible oath not to reveal the poisoned spring from which he drew such a principle.

A. He had nothing to answer on that point.

Q. How came he to believe that his crime would make the national disturbance cease?

A. He had no intention to kill the king, but to let him know the enemies he had in his court.

Q. How could he thereby have let the king know his enemies?

A. The king had never listened to any of the remonstrances that had been made to him.

It had been remonstrated to him that his actions must then have been intended to punish him for not listening to such remonstrances.

A. It was not HIM who ought to have been punished.

Upon this, Damiens being withdrawn, the attorney-general having summed up the evidence, demanded that Damiens should suffer the same kind of death as Francis Ravaillac had suffered for the murder of king Henry IV. having previously undergone the torture, and performed the *amende honorable* before the church of Notre Dame : that the house in which he was born should be razed to the ground, (the owner thereof being first indemnified) and that no other building should ever be on that spot ; that his father, wife, and daughter, should quit the kingdom, and never return, under the pain of death ; and that his brothers and sisters should change their names. The proof being clear, the judges agreed to the attorney-general's demand. In the hopes of conquering Damiens's resolution, and obtaining a full discovery, they ordained that he should be tortured in the Brodquin, as being (according to the opinion of the physicians and surgeons) thought the most acute of all tortures, and the least liable of depriving the criminal of sensation or life.

Damiens, at seven o'clock in the morning of Monday, the 28th of March, 1757, was carried up, in his hammock, to the torture room ; at which time the French guards yielded up their charge of the prisoner, according to custom on such an occasion, to the lieutenant of the short-robe ; whose office resembles that of Sheriff in England at executions.

Then the recorder read the sentence of the court, which Damiens heard without shewing any emotion ;

and, on raising himself, said, this day will be a sharp one.

A little before eight o'clock the criminal was placed on the stool of examination ; and for near an hour and a half was questioned by six commissioners of the parliament, concerning his accomplices, and earnestly exhorted to redeem himself from the torture, by declaring the truth and making a full discovery : but he still persisted inflexible and would give no satisfaction.

The executioners then set about their duty, and put the criminal's legs into the Brodquin ; and having tightened the ropes with extraordinary rigour, Damiens shrieked most hideously, and pretended to faint away ; but the physician and surgeon (of whom always some attend at the torture) who were present on examination, found that the swoon was feigned. Damiens then asked for some drink, they gave him water, but he begged to have some wine amongst it ; saying, now or never strength is necessary.

That the numbness, occasioned by the violent compression of the cords, might wear off and he fully recover his sense of feeling, half an hour elapsed before the first wedge was applied ; at the driving of which he cried most dreadfully. During the operation the first president questioned him about his accomplices : and having asked who incited him, Damiens cried out, it is Guatier. Being interrogated, he told who Guatier was, and also his abode ; and accused him of having used very criminal expressions before Mr. le Maitre de Ferrieres, whose affairs Guatier managed, and lodged at his house. Their expectations of the longed wished for discovery seemed now to be on the point of being fully gratified.

The commissioners then ordered the lieutenant of the short robe to bring the gentlemen immediately before them in that room.

In the mean time the torture continued, with the intermission of a quarter of an hour before the application of a fresh wedge, every one of which made Damiens renew his shrieks ; the most pressing questions and earnest exhortations all the while being put to him to discover the whole. On the eighth and last

wedge being driven Damiens cried out, Why had I so weak a head, the king being so mild and good a prince? When he had been two hours and a half under the torture, the physician and surgeon delaring that he could not longer bear it without danger of his life, he was untied and laid upon a mattress; where he persisted in what he had said against Guatier and Mr. le Maitre de Ferrieres.

These two gentlemen came in a short time, separately, after Damiens was freed from the Brodquin.

Guatier came first with the countenance of an innocent man unjustly accused; and when he heard the accusation made against him by Damiens, he was quite astonished. He denied the whole; and Damiens as positively maintained it: upon which the commissioners sent Guatier to prison.

When Mr. le Maitre de Ferrieres appeared and heard Damiens' charge against him, he was quite shocked at it, but behaved with decorum and modesty. When confronted with Damiens he denied his having been present at the words alleged to have been spoken by Guatier: and Damiens not being very positive Mr. le Maitre de Ferrieres was dismissed.

Damiens having asked liberty to see the curate of St. Paul's again, he was sent for; and on his arrival the commissioners withdrew. He staid with Damiens in the torture room nearly an hour, after which the criminal was carried down to the chapel; where Mr. Guerer left him to the care of Mr. de Marcilly, another doctor of the Sorbonne, a man of experienced zeal on such occasions. After the curate of St. Paul's had been gone about an hour he returned to the Conciergerie, where those two divines used their utmost endeavours, in their capacity of clergymen, to make Damiens sensible of the heinousness of his crime, and the dismal state in the next world of those who die obstinately in their guilt; especially of such an heinous nature as his was; for which his sufferings would be but a small atonement, as the royal family and kingdom could not be said to be safe whilst the associates in his horrid attempt were undiscovered.

When Damiens's treason was found incontestably evident, orders had been given to enclose a space at

the Greve for the place of his execution, of about a hundred yards square, with palisades; having only one entry at one of the corners, for the admission of the criminal and his escort, and for an opening to the passage to the Town Hall. In the middle of this inclosed area there was a scaffold erected, raised about three feet and a half above the ground, of nearly nine feet in length, and as many in breadth.

A little before three o'clock the commissioners went from the Conciergerie to the Town Hall, preceded, according to custom, by the archers, or halberdiers.

Damiens, at the same time, was brought in a tumbril, or dung cart, before the principal gate of the church of Nôtre Dame, in his shirt, where, according to his sentence, he performed the ceremony of the *amende honorable*, by holding a lighted torch of two pounds weight, acknowledging his crime, and begging pardon of God, the king, and the laws; which he seemed to do with an air of sorrow and contrition.

He was then carried in the same vehicle to the Greve, which was surrounded by the soldiers of the foot watch, and on the inside was guided by the corps under the command of the lieutenant of the short robe. To prevent any commotion or disturbance, the horse patrol was stationed in the square of Veaux; detachments of the French guards, at proper distances, lined all the avenues and streets leading to the Greve, and all the way from the hall of justice to the church of Nôtre Dame; and corps-du-garde were posted at all the quarters, and at the ends of all the principal streets in Paris.

When Damiens arrived at the Greve he expressed a great desire to speak with the commissioners of the parliament; which being communicated to them, they ordered him to be brought up to them in the Town Hall. When he was carried before the commissaries, or commissioners, he asked pardon for the calumnious expressions which he had used since his confinement, against the archbishop of Paris, acknowledging them to be false and groundless. He declared that his wife and daughter were entirely innocent, and no way accessory to his crime; most earnestly intreated that they might be used with mercy and compassion; and

asserted that he had neither inciter, accomplice, nor associate in what he had done.

The commissioners finding that all their endeavours were ineffectual, and that the criminal persisted in his inflexibility, commanded him to be carried back to the Greve; which was accordingly done. But the executioner not having every thing prepared to proceed to immediate execution, Damiens waited some considerable time before the preparations were completed, during which time the two divines (who attended him to his last moments) were incessant with him in their duties. The hangman, for this neglect, was afterwards imprisoned, for some days, in the dungeon.

A little before five o'clock, Damiens was stripped, and even then gave proof of his firmness by surveying all his body and limbs very minutely with great attention, and by looking undauntedly round on the vast concourse of people who were inveighing against him most vehemently. He was then laid on the scaffold, to which he was instantly tied, and soon afterwards fastened by two iron gyves, or fetters, one placed over his breast below his arms, and the other over his belly, just above his thighs. Then the executioner burnt his right hand (with which the villainous stab had been given) in flames of brimstone; during which operation Damiens gave a very loud and continued cry, which was heard at a great distance from the place of execution, and made many, who could not see the tragedy, judge what part of it was performing; after which, Damiens, raising his head as well as he could, looked for some time at the burnt hand with great earnestness and composure. The executioner then proceeded to pinch him in the arms, thighs, and breast, with red-hot pincers; and Damiens at every pinch shrieked in the same manner as he had done when his hand was scorched with the brimstone; and viewed and gazed at every one of the wounds, and ceased crying as soon as the executioner discontinued the pinching. Then boiling oil, melted wax and rosin, and melted lead, were poured into all the wounds except those on his breast: which, at their respective and various applications, made him give as loud shrieks and cries as he had done before when his hand was

burnt with sulphur, and his breast, arms, and thighs, torn with hot pincers. The words which he exclaimed and roared out at every repetition of torment, were in substance as follows :—Strengthen me ! Lord God ! Strengthen me ! Lord God, have pity on me ! O Lord, my God, what do I not suffer ! Lord God, give me patience !

When he had undergone all these excruciating torments, and every thing being ready for the execution of the next part of his sentence, the executioner and his assistants proceeded to fasten round the criminal's arms, legs, and thighs, the ropes with which the horses were to tear those limbs from his body. This operation being very long, and the tight tying of the ropes upon the fresh wounds augmenting his pain, made the miserable Damiens renew his shrieks and cries most hideously ; but such was his continued firmness, that even then he surveyed his body minutely, and with surprising curiosity ; though being sure that he must die in a short time, he did not even express the least sorrow for the crime for which he was suffering these torments.

When the cords were fixed, four stout, young, and vigorous horses were put to the draught, and continued their repeated efforts above an hour without doing any thing further towards the dismembering of the unhappy criminal, than stretching his joints to an astonishingly prodigious length ; which probably was owing to the youth and vigour of the horses, as being for that reason too headstrong and unmanageable for pulling in concert. The physician and surgeon then acquainted the commissioners of the parliament, that unless the efforts of the horses were seconded by cutting the principal sinews of the sufferer, which indeed might be extended to a very great length without being torn asunder, it would be very difficult, if not almost impossible, to put that part of the sentence in execution. The commissioners upon this representation sent an order to the executioner to make the desired amputation ; especially as night was coming on, and that it was, in their opinion, proper that the execution should be accomplished before that day was at an end.

The sinews being cut in consequence of that order

from the Town Hall, the horses began to draw anew, and after several pulls a thigh and arm were torn from the body. Damiens looked at his severed members, and had some remains of sense after his other thigh was pulled off; nor did he expire till his other arm was likewise torn away.

As soon as there was no appearance of life left, the trunk and dismembered quarters were thrown on a large blazing pile of wood, erected for that purpose near the scaffold, where they continued burning till seven o'clock next morning, and afterwards his ashes were, according to the sentence of the court of parliament, scattered in the air.

On the next day, Tuesday, March 29th, 1757, after several formalities, in consequence of the execution, such as dispersing the criminal's ashes in the air, &c. upon the requisition of the attorney-general a sentence was granted, and proclamation made, commanding the father, wife, and daughter of Damiens, to leave the kingdom and dominions of France, and never to return thither under pain of being put to death. But the king of France, considering the difficulties to which those unfortunate persons might be exposed in their endeavours to get a livelihood, on account of prejudices conceived against them, granted each of them a yearly pension sufficient for subsistence, during their respective lives. His brothers and sister (for in France, as well as most other countries, women retain their maiden surname after marriage) were, by the same sentence, commanded never to use the surname of Damiens; and by the same decree the house in which Damiens was born was ordered to be pulled down: all which orders were put in execution, and complied with.

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WILLIAM ANDREW HORNE Esq. FOR MURDER,  
in August, 1759.

WILLIAM ANDREW HORNE was the son of a gentleman of fortune at Butterly in Derbyshire, and was born in 1685. His father, who was distinguished by his classical knowledge, endeavoured to teach the son Latin and

Greek ; but wanting the disposition to learn, he never made any considerable progress. The father allowed him the use of his hounds, and furnished him with a horse and a gun.

Horne took delight in the sports of the field ; but there were other pleasures to which he was equally attached. His passion for women was unbounded ; nor was it equalled by any other, but a most singular degree of avarice, which distinguished him throughout the whole course of his life. He seduced several girls, two of whom were servants to his mother, and one was the daughter of a farmer, which latter died in consequence of her grief. By one woman he had two natural daughters. He had likewise criminal connexion's with his own sister, who being delivered of a boy, Horne told his brother Charles, three days afterwards, and at ten o'clock at night, that he must take a ride with him. He then put the new-born infant in a bag, and mounting their horses, they rode to Annesley, in Nottinghamshire, at the distance of five computed miles, carrying the child alternately.

On their arrival near the village, William dismounted, and enquired if the child was living, and being answered in the affirmative, he took it and told his brother to wait till he came back. On his return, Charles demanded to know how he had disposed of the infant ; to which he said, that he had placed it behind a haystack, and covered it with hay.

On the following morning the child was found, but dead, through the severity of the weather. In a short time after the transaction, a quarrel happened between the brothers ; in consequence of which Charles communicated the affair to his father ; who enjoined him to the strictest secrecy ; which was observed till the death of the old gentleman, who died aged 102 years, in 1747.

William having always behaved with great severity to his brother Charles, and the latter (soon after the death of the father) having some business to transact with Mr. Cooke, an attorney at Derby, told him of the long concealed affair, and asked his advice. The law-

yer told him to go to a justice of the peace, and make a full discovery of the whole transaction.

Hereupon Charles went to a magistrate, and acquainted him with what had happened : but he hesitated to take cognizance of it ; said it might hang half the family ; and that as it took place so many years ago, he advised that it might remain a secret. In consequence hereof no farther notice was taken of it till the year 1754, when Charles Horne being seized with a violent fit of illness, called in the assistance of one Mr. White, of Ripley ; and presuming that he should live but a short time, said he could not die in peace without disclosing his mind. When Mr. White had heard the tale, he declined giving any advice, saying it was not proper for him to interfere in the affair.

A considerable time after this, William Horne had a quarrel with a Mr. Roe, at a public-house, concerning the right of killing game ; when Roe called Horne an incestuous old dog. Horne now prosecuted him in the ecclesiastical court at Lichfield, where Roe was cast, and obliged to pay all expenses. This circumstance inflamed Roe with revenge, and having learnt that Charles Horne had mentioned something of his brother having caused his natural child to be starved to death, he made such enquiries of Charles as determined him how to proceed.

Hereupon he went to a magistrate in Derbyshire, and obtained a warrant, but took Charles's word for his appearance on the following day. William hearing that such a warrant was granted, and being apprehensive that his brother might be admitted evidence, he sent for him, and told him he would be his friend, if he would deny all that he had said. This the other refused : but told him if he would give him five pounds, he would go immediately to Liverpool, and quit the kingdom : but William's excessive avarice prevented his compliance with this moderate request.

Charles being examined by some magistrates in Derbyshire, they declined interfering in the business : on which a justice of the peace in Nottinghamshire was applied to, who issued a warrant for taking William Andrew Horne, Esq. into custody ; and this warrant

was backed by Sir John Every, a magistrate of Derbyshire. A constable from Annesley went with Mr. Roe, and some other assistants, to Mr. Horne's house, about eight in the evening ; but could not obtain admittance : on which the constable left Roe and another to watch that the party should not escape, and returned in the morning, when a servant told them his master was gone out ; but Roe and his companion insisting that he had not escaped in the night, they were at length admitted, after having threatened to burst open the door.

They now diligently searched the house, but could not find the party they wanted ; and would probably have desisted, but that Roe insisted on making another search, during which they observed a large old chest ; and Mrs. Horne being asked what it contained, said, it was full of sheets and table-linen. Roe declared he would look into it, and was on the point of breaking it open, when Mrs. Horne unlocked it, and her husband suddenly starting up, said, "It is a sad thing to hang me ; for my brother Charles is as bad as myself, and they can't hang me without hanging him." Hereupon he was taken into custody, and being carried before two justices of the peace in Nottinghamshire, they committed him to take his trial at the following assizes.

On the 10th of August, 1759, he was brought to trial before lord chief baron Parker ; and, after a trial of about nine hours, the jury found him guilty, and sentence of death was accordingly passed.

Though so many years had passed since the transaction, the persons who found the child were yet living ; and their testimony corroborating that of his brother Charles, led to the conviction.

It happened that on the day appointed for his execution, he had just completed his 74th year ; and having always been accustomed to have a plum-pudding on his birth-day, he would have continued that custom, if he had received another reprieve. He was hanged at Nottingham, on the 11th of December, 1759.

## THEODORE GARDELLE, FOR MURDER.

THEODORE GARDELLE was a native of Geneva, and having received an university education, went to Paris, where he studied miniature-painting, and having made great proficiency in the art, returned to Geneva, where he married, and lived some years : but not being happy in his domestic connexions, he came to London and lodged with Mrs. King in Leicester-fields.

On the 19th of February, 1761, Mrs. King's maid-servant having opened the door of her parlour, and being ordered by her mistress to make a fire, she afterwards went to Gardelle's room, and found him employed. He gave her two letters to carry to the Hay-market, and a guinea to change, to buy a penny-worth of snuff: but returning to her mistress, she ordered her not to go, as there was no person to give an answer to the door. Gardelle now came down into the parlour to give attendance if any one should call.

The following narrative is extracted from Gardelle's own confession, and from various other evidence on the trial. When the maid was gone out, Mrs. King hearing him walking in the room, called out, who is there? At this instant Gardelle had just sat down to read; but she called him, and saying some harsh things to him, he called her an impudent woman, on which she struck him a violent blow on the left side, and he gave her a push, as if he despised her; but as she was retreating, her foot caught in the floor-cloth, she fell, and her head struck against the bed-post with great force.

He professed his sorrow for what had happened, and, observing the blood gushing from her mouth, attempted to lift her up, and stop the bleeding; but she threatened to have him punished; and continuing these threats, he became so enraged, that he seized an ivory comb, which had a long sharp-pointed handle, and vowed her destruction, unless she desisted from her threats. This she would not do, and, at length, in the heat of his passion, he thrust the handle of the comb

into her throat, which killed her ; he then covered her with the bed-clothes. Inexpressibly terrified at the fatal work of his hands, he fainted away ; and, on his recovery, he found the maid-servant in the front parlour, just returned with his snuff.

The girl now called her mistress ; but not being answered, she got her own breakfast, and then went to clean and adjust Gardelle's apartment ; and while she was so doing, she observed him come down from the garret, which she wondered at, as she knew not what occasioned him to go to that part of the house ; she also remarked that he had changed his dress, and seemed unusually agitated.

He now sent her with a letter to Suffolk-street, and on her return told her that her mistress was gone out in a coach with a gentleman. The maid, knowing that she had not been absent long enough for her mistress to dress herself, did not credit this story, but presumed that she and Gardelle had been very intimate in her absence ; Mrs. King being a woman of questionable reputation.

A gentleman named Wright usually lodged on the first floor, but was then in the country ; his servant came at one o'clock and ordered preparation to be made for his return in the evening. The wretched man went frequently up and down stairs till three in the afternoon, when he again sent the girl to Suffolk-street, and during her absence resolved to discharge her from the family, to prevent a discovery of the murder.

As the girl could not write, and Gardelle knew not enough of English to draw up a receipt, he wrote to a Mr. Brocket to write a proper receipt to which the girl might affix her mark. This gentleman asked, if she knew that Gardelle was authorised to discharge her. She answered in the negative ; but Brocket told her, he wrote word that he had such authority ; that Mrs. King was gone out, and when she returned would bring another servant.

The girl thought that the true reason of her dismissal was the intimacy between her mistress and Gardelle ; and soon after her return, the latter paid her her wages, gave her a gratuity, and took her receipt, which Mr. Brocket had written. Meeting with Mr.

Wright's servant as she was going out, she told him, if he would wait a little, he might probably see her mistress, who had been in bed the whole day; but the man declined waiting, and Gardelle was left alone.

Gardelle now went to Mrs. King's chamber, stripped the body, and laid it on the bed. He hid her bloody shift in a bag, under his own bed; and locked his own shirt, which was bloody, in a drawer. The bed-clothes being stained, he left them to soak in a tub of water.

On Mr. Wright's servant returning, he said his master had procured other lodgings, but he slept in the garret, as it was not convenient to remove his effects. On his asking for Mrs. King next morning, Gardelle said she was gone out.

On Saturday, two days after the murder, a gentleman named Mozier, who had been intimate both with Gardelle and Mrs. King, called at the house for the latter to accompany him to the opera, according to promise. Gardelle answered, that she had unexpectedly gone to Bristol or Bath: the other, however, observing that he seemed out of humour, and attributing it to her absence, sent a girl of the town to keep him company.

Gardelle did not seem pleased with her sudden visit, but said he had some shirts to mend, which she promised to begin on the Monday following. In the interim, the body remained as he had left it on the Thursday night, nor had he viewed it since: anxious to conceal his crime, he now left his bed, and went down stairs, but, being followed by the girl, he was obliged to desist for the present.

However, he arose soon after seven the next morning, leaving the girl in bed, who did not come down till after ten, when she found him lighting a fire. How he had employed himself in the mean time can only be conjectured. After breakfast he sent the girl for a charwoman, whom she brought in the afternoon.

On the Monday morning, Gardelle instructed this charwoman to tell Mr. Wright's footman, that the girl in the house had been sent by Mrs. King, to look after it in her absence: but the footman paid no credit to this tale, as he had seen Gardelle and the girl in bed together.

This footman, whose name was Pelsey, repeatedly enquired for Mrs. King ; and Gardelle as often said she was gone to Bath or Bristol ; but without being credited. On Pelsey going up stairs on Tuesday, he remarked a disagreeable smell, and asking Gardelle what it was, he answered the burning of a bone, which was partly true ; for the wretch had been burning the bones of the murdered woman in the garret.

After Pelsey was asleep at night, Gardelle sent his girl to bed, and then cut Mrs. King's body in pieces. The flesh which he cut from the bones he secreted in the cock-loft, and threw the bowels into the vault. On the Wednesday evening, he dismissed his girl, telling her that Mrs. King was to return that night.

The footman and charwoman still remained in the house, and the water failing in the cistern, the latter went to the water-tub in the back kitchen, in which she felt something soft, and mentioned this to Pelsey ; but there was yet no suspicion of murder. On the following day the bed-clothes which Gardelle had thrown over Mrs. King's body, were found in the water-tub ; and now arose the first suspicion of her having been murdered.

Hereupon Pelsey found the maid-servant whom Gardelle had discharged ; and she denying the having put any such clothes into the tub, the footman communicated his suspicions to his master ; Mr. Baron, an apothecary, being applied to, went to the house, and asking for Mrs. King, Gardelle told him the same story he had told others.

The late servant-maid being examined before Sir John Fielding, on the Saturday, a warrant was issued to take Gardelle into custody, and Mr. Baron attended the serving of it. Gardelle denied the murder, and fell into fits ; but soon recovering, they demanded the key of Mrs. King's chamber ; when he said she had it with her in the country.

On this the constable got in at the window, and let Mr. Baron and others into the room. On examination, they found the bed bloody ; and then going up stairs, they discovered the bloody linen which had been secreted by Gardelle.

In the mean time, a bricklayer and carpenter were directed to search the house, and found the flesh of a human body in the loft, and the bowels in the vault; they likewise observed some burnt bones in the garret, where it was evident a fire had been made. A gentleman had received a box from Gardelle, on the Thursday before he was taken into custody, with an injunction to keep it safely; but on opening it when he heard he was apprehended, it was found to contain Mrs. King's watch and other property.

While Gardelle was in New-prison, he took opium, with an intent to destroy himself; but the strength of his constitution counteracting the poison, he begged to be carried before a magistrate, to make a full confession. This the justice heard, but would not permit him to sign it as evidence against himself. He was now recommitted for trial: and after this he swallowed a number of half-pence, in order to destroy himself; but this did not answer the end.

He was brought to trial at the Old-Bailey, on the 2d of April, and capitally convicted. His behaviour at first was outrageous; but the next day he was more resigned. He said it was with the utmost horror he associated with the woman that Mozier had sent to him; but he was afraid to dismiss her, lest a surmise of his guilt should arise; and when asked, why he did not escape abroad, after committing the murder, he said that it was in fear that some innocent person might be charged with it.

He was conveyed to the place of execution in a cart, which stopped some time near the spot where he committed the murder; and was then hanged in the Hay-market, amidst an immense crowd of spectators, who testified their joy at his exit in a manner too turbulent for so solemn an occasion. He suffered on the 4th of April, 1761, and was hung in chains on Hounslow Heath.

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#### JOHN M'NAUGHTON, Esq. FOR MURDER, 1761.

MR. M'NAUGHTON was a native of Londonderry, in

Ireland, his father being a merchant of that place, and his grandfather an alderman of Dublin. He was well educated, and his uncle left him an estate of 600l. a year.

At this period he married a young lady, and, taking an elegant house in Dublin, lived in a style much above his circumstances. In consequence of this extravagance he became much involved in debt, and a principal creditor took out a writ against him for a considerable sum. The Sheriff going in a chair to M'Naughton's house, found him in the parlour with his wife, and told him he was a prisoner. This declaration had such an effect on his wife, who was pregnant, that she was immediately seized with the pains of child-birth, and being delivered of a dead child, died in a few days.

M'Naughton some years after the death of his wife, contracted an acquaintance with Mr. Knox, a man of large fortune in the county of Derry. Miss Knox was entitled to 5000l. when she came of age, in consequence of her father's marriage settlement. He paid his addresses to the young lady, and she promised to accept him as a husband if her father's consent could be obtained. M'Naughton now applied to the old gentleman, who not only refused his acquiescence, but forbade the other to visit the family in future.

At length M'Naughton desired that he might not be forbade the house, as it might cause very unfavourable suspicions in the neighbourhood. Mr. Knox consented that he should continue his visits : but no sooner was this favour granted than he courted Miss Knox with as much ardour as formerly, and obtained her consent to marry him at the expiration of two years, as she was at that time a minor.

Soon afterwards meeting Miss Knox at the house of a neighbour, he insisted that she was his wife ; which she denied ; and on her return home acquainted her father with what had passed ; on which the old gentleman wrote to M'Naughton, insisting that he should decline all future visits, and upbraiding him with his past ill behaviour.

M'Naughton had no sooner received Mr. Knox's

letter, than he inserted an advertisement in the newspaper, declaring that the young lady was his wife ; to which Mr. Knox inserted an answer, and then entered a process in the spiritual court, which set aside the pretended marriage, and decreed that if M'Naughton thought himself injured, he must appeal to the common law for damages.

On this M'Naughton applied to the court of Delegates ; but the judge issued a warrant for apprehending him ; which irritated him to such a degree that he sent a letter to the judge, threatening that he would murder him when he came the circuit. This letter occasioned the issue of a King's bench warrant against him : so that, finding himself unsafe in Ireland, he came to London.

The possession of Miss Knox was notwithstanding the object of his wishes ; wherefore he returned to Ireland, disguised himself, and continued in the neighbourhood of the young lady's father. But no steps were taken by the family to preserve themselves from the danger with which his appearance seemed to threaten them.

Mr. Knox was riding in his coach with his daughter, in the beginning of November, 1761, and attended by a smith, whose wife had been a faithful servant to the family ; when M'Naughton and three others approached, two of whom presented their pistols to the postilion, and ordered him to stop.

M'Naughton, seeing the smith, fired a blunderbuss at him, but the shot missed ; one of his companions immediately fired another pistol, which wounded the smith in the arm, and disabled him from firing his gun, which he was preparing to do. Hereupon M'Naughton, and one of his accomplices, fired their pistols at the carriage, the window of which being instantly drawn up, M'Naughton immediately rode to the other side of it, and discharged a piece, which contained five balls, all of which entered the body of Miss Knox.

A maid servant now let down the window blind, and exclaimed that her young lady was murdered, when Mr. Knox's footman, who had concealed himself behind a stack of turf, fired a pistol at M'Naughton :

at the same instant another pistol was fired from the coach by Mr. Knox. M'Naughton, though wounded in the back, rode off; but on the following day he was apprehended, by a party of light horse, and lodged in Lifford gaol.

The young lady was carried to an adjacent cottage, where she died about three hours after she had received the wound. The lord lieutenant of Ireland immediately offered a reward of five hundred pounds, to be paid on the apprehension of M'Naughton's accomplices, who were soon taken into custody, and one of them was admitted an evidence.

A special commission being issued, two judges went to Lifford, to try the delinquents, on the 8th of December: but M'Naughton's counsel urged so many objections that the trial was postponed for three days, when it continued from eight in the morning till eleven at night, the judges never quitting the court while the matter was depending.

One of his accomplices having been admitted an evidence, and one of the others being acquitted, M'Naughton and another, named Dunlap, were capitally convicted and received sentence of death. M'Naughton earnestly begged that mercy might be extended to his accomplice, declaring that he had acted under his directions: but this plea had no weight.

When the day of execution arrived, M'Naughton, who was still very weak, walked to the fatal spot with the help of two men who supported him. His dress was singular, consisting of a night cap, tied with a black ribbon, white stockings, black buckles, a flannel waistcoat, trimmed with black, and having black buttons, and a crape round his arm.

M'Naughton desired the hangman to do his duty speedily; and the man pointing to the ladder, the other instantly ascended it; and no sooner was the rope about his neck than he jumped off with such force that it broke; and he might have escaped if he had possessed strength and recollection; for the crowd, from a momentary impulse of humanity, made a passage, as if they wished to screen him from the rigour of the law.

M'Naughton, being taken up, was re-conducted to the gallows, when the executioner took Dunlap's rope, and fixing it round M'Naughton's neck, he ascended the ladder, tied the rope to the gallows, jumped off, and expired almost immediately. Dunlap remained a miserable spectator of this scene, and was hanged after M'Naughton was cut down. They suffered near Strabane, on the 15th of December, 1761.

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### JOHN JENNINGS, FOR AN ALLEGED ROBBERY, 1762.

IN the year 1762, a gentleman travelling to Hull, was stopped late in the evening, about seven miles short of that town, by a single highwayman, with a mask on, who robbed him of a purse containing twenty guineas. The highwayman rode off a different road, full speed, and the gentleman pursued his journey. As it, however, grew late, and he being already much frightened and agitated at what had passed, he rode only two miles farther, and stopped at the Bell Inn, kept by Mr. James Brunell. He went into the kitchen to give directions for his supper, where he related to several persons present his having been robbed ; to which he added this peculiar circumstance, that when he travelled he always gave his gold a particular mark ; that every guinea in the purse he was robbed of, was so particularly marked ; and that, most probably, the robber, by that means, would be detected. Supper being ready he retired. He had not long finished his supper before Mr. Brunell came into the parlour. After the usual courtesies and inquiries of landlords, Sir, said he, I understand that you have been robbed not far from hence, this evening.—I have, sir. And that your money was all marked ? It was. A circumstance has arisen which leads me to think I can point out the robber.—Indeed !—Pray, sir, what time in the evening was it ?—It was just setting in to be dark. The time confirms my suspicions ! Mr. Brunell then informed the gentleman that he had a waiter, one John Jennings, who had, of late, been so very full of money at times, and so very extravagant, that he had

had many words with him about it, and had determined to part with him on account of his conduct being so very suspicious ; that, long before dark that day, he had sent him out to change a guinea for him, and that he had only come back since he (the gentleman) was in the house, saying he could not get change ; and that, Jennings being in liquor, he had sent him to bed, resolving to discharge him in the morning. That, at the time he returned him the guinea, he (Mr. Brunell) did not think it was the same which he had given him to get silver for, having perceived a mark upon this, which he was very clear was not upon the other ; but that, nevertheless, he should have thought no more of the matter, as Jennings had so frequently gold of his own in his pocket, had he not afterwards heard (for he was not present when the gentleman was in his kitchen relating it) the particulars of the robbery, and that the guineas, which the highwayman had taken were all marked : that, however, a few minutes previously to his having heard this he had unluckily paid away the guinea which Jennings returned him, to a man who lived some distance off, and was gone ; but the circumstance of it struck him so strongly that he could not, as an honest man, refrain from giving this information.

Mr. Brunell was thanked for his attention and public spirit. There was the strongest room for suspecting Jennings ; and if, on searching him, any of the marked guineas should be found as the gentleman could swear to them, there would then remain no doubt. It was now agreed to go softly up to his room : Jennings was fast asleep ; his pockets were searched, and from one of them was drawn forth a purse, containing exactly nineteen guineas. Suspicion now became demonstration, for the gentleman declared them to be identically those which he had been robbed of ! Assistance was called, Jennings was awaked, dragged out of bed, and charged with the robbery. He denied it firmly, but circumstances were too strong to gain him belief. He was secured that night, and the next day carried before a neighbouring justice of the peace. The gentleman and Mr. Brunell deposed the facts on oath ; and, Jennings having no proofs, nothing

but mere assertions of innocence to oppose them, which could not be credited, he was committed to take his trial at the next assizes.

So strong were the circumstances known to be against him, that several of his friends advised him to plead guilty on his trial, and to throw himself on the mercy of the court. This advice he rejected, and, when arraigned, pleaded not guilty. The prosecutor swore to his being robbed; but that, it being nearly dark, the highwayman in a mask, and himself greatly terrified, he could not swear to the prisoner's person, though he thought him of much the same stature as the man who robbed him. To the purse and guineas, which were produced in court, he swore—as to the purse, positively—and as to the marked guineas, to the best of his belief, and that they were found in the prisoner's pocket.

The prisoner's master, Mr. Brunell, deposed to the fact as to the sending of the prisoner to change a guinea, and of his having brought him back a marked guinea in the room of the one he had given him unmarked. He also gave evidence to the finding of the purse, and the nineteen marked guineas in the prisoner's pocket. And, what consummated the proofs was, that the man to whom Mr. Brunell paid the guinea, produced the same, and gave testimony to his having taken it that night in payment of the prisoner's master. Mr. Brunell gave evidence of his having received of the prisoner that guinea, which he afterwards paid to this last witness. And the prosecutor, comparing it with the other nineteen found in the pocket of the prisoner, swore to its being, to the best of his belief, one of the twenty guineas of which he was robbed by the highwayman.

The judge, on summing up the evidence, remarked to the jury, on all the concurring circumstances against the prisoner; and the jury, on this strong circumstantial evidence, without going out of court, brought in the prisoner guilty. Jennings was executed some little time after at Hull, repeatedly declaring his innocence to the very moment he was turned off.

Within a twelvemonth after, Brunell, Jennings's master, was himself taken up for the robbery of a

guest in his own house ; and the fact being proved on his trial, he was convicted, and ordered for execution. The approach of death brought on repentance, and repentance confession. Brunell not only acknowledged the committing of many highway robberies, for many years past, but the very one for which poor Jennings suffered !

The account he gave was, that he arrived at home by a nearer way and swifter riding, some time before the gentleman got in who had been robbed. That he found a man at home waiting, to whom he owed a little bill, and that not having quite enough loose money in his pocket, he took out of the purse one guinea, from the twenty he had just got possession of, to make up the sum ; which he paid, and the man went his way. Presently came in the robbed gentleman, who, whilst Brunell was going into the stables, and not knowing of his arrival, told his tale, as before related, in the kitchen. The gentleman had scarcely left the kitchen before Brunell entered it ; and, being there informed amongst other circumstances, of the marked guineas, he was thunderstruck ! Having paid one of them away, and not daring to apply for it again, as the affair of the robbery and marked guineas would soon become publicly known, detection, disgrace, and ruin, appeared inevitable. Turning in his mind every way to escape, the thought of accusing and sacrificing poor Jennings at last occurred to him.

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### ANNE BEDDINGFIELD AND RICHARD RINGE, FOR MURDER.

JOHN BEDDINGFIELD was the son of respectable parents at Sternfield, in Suffolk, and having married a girl of seventeen years of age when he was about twenty-four, the young couple were placed in a good farm, which was carefully attended by Beddingfield, who bore the character of a man of industry and integrity. The young couple had two children, and lived in apparent happiness.

Richard Ringe, a youth of nineteen, was engaged

in the service of Mr. Beddingfield ; and had not been long in the house before his mistress became so enamoured of him that her husband was the object of her contempt. At length Mrs. Beddingfield, having formed the horrid design of destroying her husband, communicated her intention to Ringe, who hesitated on the dreadful proposal, and did not consent till she promised that he should share her fortune as the reward of the deed.

Mr. Beddingfield having sold some cattle to a farmer, they had drank a social glass together, but not to such a degree as to occasion intoxication. When Mr. Beddingfield came home he found that his wife was in bed with one of the maid-servants ; on which he desired her to come to his chamber ; but this she refused ; and mutual recrimination passed between them. It had been determined by Ringe to commit the murder on that night, while his master was asleep : whereupon, when he knew he was in bed, he quitted his own room, passed through that in which his mistress slept, and went to the bed chamber of his master.

Ringe, observing that Mr. Beddingfield was asleep, threw a cord round his neck to strangle him ; but, being hurt by the weight of Ringe lying across him he struggled, so that they both rolled off the bed together. However the murder was soon perpetrated. Mrs. Beddingfield being asleep in the next room, was awakened by the noise, and in her fright awakened the servant. At this instant Ringe entered the room, and said, I have done for him ; to which the wife answered, then I am easy. The girl was greatly alarmed ; but cried out master, supposing Mr. Beddingfield was present ; for there was no light in the room : but Mrs. Beddingfield commanded her to be silent.

Ringe asked the mistress if any one was acquainted with what had passed besides her and the maid ; on which the girl asked, how came you here, Richard ? The villain terrified by his guilt, replied, I was forced to it. He now went to his own room, and laid down ; and the mistress and maid getting up, the latter was charged not to utter a syllable of what had passed.

Mrs. Beddingfield now directed the girl to call Ringe, who seemed offended at being disturbed ; but, when he had struck a light, his mistress told him to go into his master's room, for she was afraid he was indisposed. Ringe obeyed ; but, on his return, said, with an air of surprize, that his master was dead.

On the following day the coroner's jury took an inquisition into the cause of his death ; but so superficial was the enquiry that it lasted only a few minutes, and their determination was, that he died a natural death. The guilty commerce between the murderers now became still more evident than before ; but so fickle was Mrs. Beddingfield's disposition that in a few weeks she despised the man whom she had incited to the murder of her husband.

The servant-maid now resolved to discover the fact, but postponed the doing so till she had received the wages for her quarter's service. When her mistress had paid her she went to her parents, and discovered all she knew of the matter, and a warrant was issued for apprehending the murderers. Mrs. Beddingfield made her escape, but was apprehended after two days' pursuit. Ringe seemed to disdain consulting his own safety, but remained in the house ; and after he was committed, confessed that he had deemed himself a dead man from the time of his perpetrating the murder.

At the Lent assizes, in 1763, the prisoners were brought to trial, when the surgeon and coroner were examined as to what fell within their knowledge. The former confessed he saw evident marks of violence on the body ; and being asked how he could depose before the coroner that Mr. Beddingfield had died a natural death, he replied that he did not think much about it.

On the 8th of April, 1763, they were placed in one sledge, and conveyed to a place near Ipswich, called Rushmore, where Ringe was turned off ; while the body of Mrs. Beddingfield, who had been first strangled at a stake, was burned to ashes, agreeably to the practice respecting women who are convicted of the murder of their husbands.

## STRONG AND SOMERSET, THE BLACKS.

IN 1765, chance directed the attention of Mr. Granville Sharpe, towards the sufferings of a race of men who had long been the sport and victims of European avarice. The professional arrangements of Mr. William Sharp, whose house was open every morning for the gratuitous cure of the poor, were the first means of bringing Strong to the knowledge of either brother. Pain and disease, the consequence of severe blows and hardships, led the miserable sufferer to seek the aid of medical attendance; and it was in one of his morning visits to the surgery in Mincing Lane that he was met by Granville as he approached the door of the house, ready to faint through extreme weakness. On enquiry, it was found that he had been a slave of Mr. David Lisle, a lawyer of Barbadoes, whose barbarous treatment had by degrees reduced him to a state of uselessness, and whose brutal heart had then turned him adrift in the streets.

By the united care of the two brothers, into whose hands Strong had fallen, he was restored to health, and placed in the service of a respectable apothecary (Mr. Brown) Fenchurch Street. In that comfortable situation he remained for two years, when, as he was one day attending his mistress behind a hackney-coach, he was seen, and recognized, by the lawyer to whom he had been a slave: and who, conceiving from his appearance and active employment, that he must have regained his strength sufficiently for useful labour, instantly formed a design to recover possession of him.

Some days afterwards, he (David Lisle) employed two of the lord mayor's officers to attend him to a public-house, from whence he sent a messenger, to acquaint Jonathan Strong that a person wanted to speak with him: Jonathan, of course, came, and was shocked to find that it was his old master who had sent for him, and who now immediately delivered him into the custody of the two officers. Jonathan, however, sent for Mr. Brown, who likewise came, but being violently threatened by the lawyer, on a charge

of having detained his property (as he called Strong) he was intimidated, and left him in Lisle's hands.

After this, Mr. Sharpe received a letter from the Poultry Compter, signed Jonathan Strong, a name which he did not at first recollect; he sent, however, a messenger to the Compter to inquire about him, but the keepers denied that they had any such person committed to their charge.

This refusal was sufficient to rouse the suspicion and to call forth the active benevolence of Mr. Sharpe.

He then went himself to the Compter, inquired for the master of the prison, and insisted on seeing Jonathan Strong. He was then called, and was immediately recollected by him, who charged the master of the prison, at his own peril not to deliver him up to any person whatever, who might claim him, until he had been carried before the lord mayor (Sir Robert Kite,) to whom he immediately went, and gave information that a Jonathan Strong had been confined in prison without any warrant; and he therefore requested of his lordship to summon those persons who detained him, and to give him notice to attend at the same time. This request was complied with.

When the appointed day was come (Sept. 18,) he attended at the Mansion House, and found Jonathan in the presence of the lord mayor, and also two persons who claimed him, the one, a notary public, who produced a bill of sale from the original master, to James Kerr, Esq., a Jamaica planter, who had refused to pay the purchase money (thirty pounds) until the negro should be delivered on board a ship belonging to Messrs. Muir and Atkinson, bound to Jamaica, the captain of which vessel, Mr. David Lair, was the other person then attending to take him away.

The lord mayor having heard the claim, said, that "the lad had not stolen any thing, and was not guilty of any offence, and was therefore at liberty to go away;" whereupon the captain seized him by the arm, and told the lord mayor, he took him as the property of Mr. Kerr. Mr. Beech, the city coroner, now came behind Mr. Sharpe, and whispered in his ears the words, charge him; at which Mr. Sharpe turned upon the captain, and in an angry manner said, Sir, I charge you

for an assault. On this, captain Lair quitted his hold of Jonathan's arm, and all bowed to the lord mayor and came away, Jonathan following Mr. Sharpe, and no one daring to touch him.

A few days after this transaction, Mr. Sharpe was charged, by a writ, with having robbed the original master, David Lisle, the lawyer, of a negro slave, and also of another slave, &c. &c.

But the action at law was not the only weapon employed to alarm him, and to deter him from the prosecution of his humane task. That no method might be left unessayed, which avarice or malice could prompt, to retrieve the step that had been lost, David Lisle sought out the negro's friend, at his brother William's house (where he then resided) and having announced his name was admitted. The conversation, on one part at least, was warm ; and Lisle, after ineffectual denunciations of revenge in various ways, attempted to intimidate by a challenge.

His first step, in order to defend himself from the legal process instituted against him, was, to apply to an eminent solicitor in the lord mayor's office, and to retain sir James Eyre, then recorder of the city (and afterwards lord chief justice of the Court of Common Pleas,) as his counsel. After some consideration of the case, the solicitor brought him a copy of the opinion given in the year 1729, by the attorney and solicitor-general, York and Talbot, (asserting, as before stated, that a slave coming from the West Indies to Great Britain or Ireland, does not become free,) and assured him that they should not be able to defend him against the action, as the lord chief justice Mansfield was also decidedly of the same opinion.

In this difficult task of legal inquiry he had no instructor ; no assistant, except his own diligence ; no encourager except his own conscience. For it is remarkable, that, during his studies, he applied to the celebrated judge and commentator, Dr. Blackstone, but received little satisfaction from his opinion on the interesting subject in question. He consulted, likewise, several other professional men of eminence, but could find no one whose opinion was favourable to his undertaking. Even my own lawyers, he repeats,

were against me ; so much force had precedent, and the authority of those great names, York and Talbot, to bias even the soundest judgment.

By continual application, before the final term when he was to answer the charge against his brother and himself, Granville had added to a thorough investigation of the English laws much extraneous research into those of other nations ; and he had compiled in manuscript, a tract, "On the Injustice and dangerous tendency of tolerating Slavery, or even of admitting the least Claim to private property in the persons of men in England." This tract, when completed, he submitted to the perusal of Dr. Blackstone ; and then employed his utmost efforts to circulate it, by means of numerous copies, among those on whom he wished it to produce a favourable effect. The arguments contained in it were irresistible, and by its success he had the satisfaction of amply fulfilling his promise to his antagonist. The substance of this tract, he says, was handed about among the gentlemen of the law, in twenty or more different MS. copies, for nearly two years, until the lawyers employed against the negro, Jonathan Strong, were intimidated, and the plaintiff was compelled to pay treble costs for not bringing forward the action ; after which, he adds, the tract was printed in 1769.

Another extraordinary case of a similar nature is that of Somerset, a black slave, who had been brought to England, in November 1769, by his master, Mr. Charles Stewart, and in process of time had left him. Stewart found an opportunity of seizing him unawares, and he was conveyed on board the Ann and Mary, captain Knowles, in order to be carried to Jamaica, and there to be sold for a slave.

Mr. Sergeant Davy brought the case into court before lord Mansfield, on the 24th of January, but professed the cause to be of so high importance, that he requested it might be deferred till another term, in order to give him time fully to prepare for its support. This request lord Mansfield declined granting, but fixed the hearing for that day fortnight ; apprising sergeant Davy at the same time, that, " if it should come fairly to the general question, whatever the

opinion of the court might be, even if they were all agreed on one side or the other, the subject was of so general and extensive concern, that, from the nature of the question, he should certainly take the opinion of all the judges upon it."

On the 7th of February the case was again brought before lord Mansfield, assisted by the three justices, Ashton, Willes, and Ashurst.

The cause of liberty was now no longer to be tried on the ground of mere special indictment, but on the broad principle of the essential and constitutional right of every man in England to the liberty of his person, unless forfeited by the laws of England. It was opened by Mr. serjeant Davy, with a vast mass of information on the subject of slavery, prefaced by a declaration of his intention to maintain before the court the following proposition; "That no man at this day is, or can be, a slave in England."

Mr. sergeant Glynn followed on the same side, and at the conclusion of his speech, lord Mansfield, after some short questions, added: "This thing seems, by the arguments, probable to go to a great length, and it is the end of the term; so it will be hardly possible to go through it without stopping; therefore, let it stand over to the next term."

On the 9th of May, the question was again brought before the court, on the broad and general ground, "Whether a Slave, by coming into England, becomes free?"

On this second reading, the pleadings in favour of Somerset were resumed by Mr. Mansfield, who, in a speech of strong sense and expression, contended, that if the negro Somerset was a man—and he should conclude him one till the court should adjudge otherwise—it was impossible he could be a slave in England, unless by the introduction of some species of property unknown to our constitution. At the end of Mr. Mansfield's speech, it appears that the cause was further adjourned to the 14th of May.

The expectation of all parties was now raised to the utmost pitch, when finally, in Trinity term, on Monday the 22d of June, the court proceeded to give judgment in the case of Somerset the negro, then before the court,

on the motion of the Habeas Corpus. And the ever memorable result of this trial established the following axiom, that, as soon as any slave sets his foot on English ground, he becomes free. A sentence to be engraved for ever on our hearts.

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PETER M'KINLIE, GEORGE GIDLEY, ANDREW ZEKERMAN, AND RICHARD ST. QUINTIN,  
FOR PIRACY AND MURDER.

The unfortunate captain Glass, whose catastrophe is the principal subject of this narrative, was the son of Mr. John Glass, a minister of the church of Scotland, who in several publications zealously opposed the practice of religion according to particular and established forms. He was also the author of a Voyage to the Canaries.

His superior qualifications gained him a distinguished place in the esteem of several capital merchants, who intrusted to him the command of a vessel in the Guinea trade; and his conduct proved highly to the advantage of his owners, and equally honourable to himself.

Between the river Senegal and Cape de Verd, he discovered a commodious harbour, from which circumstance he entertained the reasonable expectation that very great commercial advantages would be derived. The captain returned to England, and communicated his discovery to administration, who granted him an exclusive trade to the harbour for the space of twenty years. That he might be enabled to pursue his project with the greater advantage, he engaged in partnership with two or three gentlemen of fortune; and a vessel, furnished with all necessary articles, being prepared, he sailed for the harbour.

Being in great distress for the necessaries of life, captain Glass and three of his men ventured to sea in an open boat, intending to direct their course towards the Canaries, for the purpose of purchasing provisions.

Capt. Glass arrived at one of the Canary Islands, and presented a petition to the governor, supplicating permission to purchase provisions: but the inhuman

Spaniard caused him to be apprehended as a spy, and ordered him to be confined in a noisome dungeon, where he was allowed no other sustenance than bread and water, and, to aggravate his distress, the barbarous tyrant denied him the use of pen, ink, and paper.

A ship that soon afterwards sailed for England, conveyed news to our ministry of the arbitrary and barbarous conduct of the governor; and speedy application being made to the king of Spain, he issued an order for his release. And about the time that captain Glass recovered his freedom, his wife and daughter, a young lady about twelve years old, remarkable for her beauty and fine accomplishments, arrived at the Canaries on board a ship from London.

Captain Glass now embarked with his wife and daughter, on board a ship bound to London, under the command of captain Cockeran. While the vessel lay at the Canaries, a plot was concerted by Peter M'Kinlie the boatswain, a native of Ireland, George Gidley the cook, born in the west of Yorkshire, Richard St. Quintin, a native of the same county, and Andrew Zekerman, a Dutchman, for murdering all the other persons on board, and seizing the treasure, which, including what captain Glass had shipped in behalf of himself and his partners, amounted to a hundred thousand pounds in dollars.

The villains made three attempts on different nights to carry their horrid plan into execution, but were prevented through the circumspection of their commander. The conspirators were appointed to the night-watch on the thirteenth of November, when the ship had reached the British Channel; and, about midnight, the captain going upon quarter-deck to see that all things were disposed in proper order, he, upon his return, was seized by the boatswain, who held him while Gidley struck him with an iron bar and fractured his skull, after which they threw him into the sea. Two of the seamen, who were not concerned in the conspiracy, hearing the captain's groans, came upon deck, and were immediately murdered and thrown overboard.

Capt. Glass being alarmed, went up the gangway, and, judging that a mutiny had happened, returned to

fetch his sword. M'Kinlie, guessing his design, followed him down the steps leading to the cabin, and waited in the dark till he returned with a drawn sword in his hand, when getting unperceived behind him, he seized both his arms, and called to his accomplices to murder him. Captain Glass, being a very powerful man, had nearly disengaged himself from the ruffian, when Zekerman came up, whom the captain wounded in the arm ; but before he could recover his sword he was overpowered, the other villains soon joining their associates. The unhappy man was no sooner disarmed, than he was many times run through the body ; after which he was thrown overboard.

Mrs. Glass and her daughter now came on deck, and falling on their knees supplicated for mercy ; but they found the villains utterly destitute of the tender feelings of humanity : and Zekerman telling them to prepare for death, they embraced each other in a most affectionate manner, and were then forced from each others arms, and thrown into the sea.

Having put all the crew to death, excepting a boy who had attended captain Glass, and another boy who was an apprentice on board the ship, the murderers steered towards the Irish coast ; and on the third of December found themselves within ten leagues of the harbour of Ross. They hoisted out the long-boat, and put into it dollars to the amount of two tons ; and, after knocking out the windows of the ballast-ports, rowed towards shore, leaving the two boys to sink with the vessel. Captain Glass's boy could not swim, and he was therefore soon drowned ; but the other lad swam to the boat, when Zekerman struck him a violent blow on the breast, which occasioned him immediately to sink.

Having thus massacred eight persons, the villains proceeded to the mouth of the river Ross ; but thinking it would be dangerous to go up the river with so much wealth, they buried two hundred and fifty bags of dollars in the sand, and conveyed as much treasure as they could possibly bear about their persons to a village called Fishertown, where they stopped for refreshment ; and during their meal, an Irishman

privately robbed them of a bag containing twelve hundred dollars.

On the following day they went to Ross, and there sold twelve hundred dollars. Having purchased each a pair of pistols, and hired horses for themselves and two guides, they rode to Dublin, and took up their residence at the Black Bull in Thomas street.

The wreck of the ship was driven on shore on the day of their leaving Ross ; and the manner in which the villains had lived at Fishertown and Ross, their general behaviour, and other circumstances, being understood as grounds for suspicion of their being pirates, an express was dispatched by two gentlemen to the lords of the regency at Dublin, exhibiting the several causes of suspicion, and giving a particular description of the supposed delinquents.

On board the wreck was found a sampler worked by Miss Glass, by which it appeared that part of the work was done on her birth-day, which afterwards proved to be the day preceding that on which the murders were perpetrated ; and this sampler proved a principal means of leading to a discovery of the guilt of these abominable villains.

The gentlemen who were commissioned to attend the lords of the regency had no sooner communicated their business than the lord-mayor and sheriffs were sent for ; and proper instructions being given them, they on the same night caused M'Kinlie and Zekerman to be taken into custody.

The prisoners were separately examined, and they both confessed the particulars of their guilt, and that their accomplices had that morning hired a post-chaise for Cork, where they meant to embark on board a vessel bound for England.

Gidley and St. Quintin were the next day taken into custody, at an inn on the road to Cork ; and they followed the example of their accomplices, in acknowledging themselves guilty. The sheriff of Ross took possession of the effects found in the wreck, and the bags of dollars that the villains had buried in the sand, and deposited the whole in the treasury of Dublin, for the benefit of the proprietors.

The prisoners being brought to trial, they confessed themselves guilty of the charges alleged in the indictment ; and they were condemned to suffer death, and their bodies to be hung in chains in the neighbourhood of Dublin, which took place on the 19th of December, 1765.

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### JOHN WILLIAMSON, FOR MURDER.

WILLIAMSON was the son of people in rather indifferent circumstances, who put him apprentice to a shoemaker. During the time he was a journeyman, he pursued his business with industry ; and in a short time he married an honest and sober woman, by whom he had three children. His wife dying, he continued some time a widower, maintaining himself and children in respectability.

At length he contracted acquaintance with a young woman whose relations had bequeathed her money sufficient for her maintenance ; and this circumstance induced Williamson to make proposals of marriage, which she accepted. Being asked in church, the banns were forbidden by the gentleman appointed guardian to the unhappy woman.

Williamson having procured a licence, the marriage was solemnized ; and in consequence thereof he received the money that was in the hands of the guardian.

About three weeks after the marriage he cruelly beat his wife, threw water over her, and otherwise treated her with great severity : and this kind of brutality he frequently repeated.

At length he fastened the miserable creature's hands behind her with handcuffs, and, by means of a rope passed through a staple, drew them so tight above her head that only the tips of her toes touched the ground. On one side of the closet wherein she was confined was now and then put a small piece of bread and butter, so that she could just touch it with her mouth ; and she was daily allowed a small portion of water. She once remained a whole month without being released from this miserable condition ; but,

during that time, she occasionally received assistance from a female lodger in the house, and a little girl, Williamson's daughter by his former wife.

The girl having once relieved the sufferer, the inhuman villain beat her with great severity. When the father was abroad, the child frequently gave the unhappy woman a stool to stand upon, by which means her pain was in some degree abated. This circumstance being discovered by Williamson, he beat the girl in a most barbarous manner, and threatened that if she again offended in the same way, he would punish her with greater severity.

Williamson released his wife on the Sunday preceding the day on which she died, and at dinner time cut her some meat, of which however she ate only a very small quantity. This partial indulgence he supposed would prove a favourable circumstance for him in case of being accused of murder. Her hands being greatly swelled, through the coldness of the weather, and the pain occasioned by the handcuffs, she begged to be permitted to go near the fire; and his daughter joining in her request, Williamson complied. When she had sat a few minutes, Williamson, observing her throwing the vermin that swarmed upon her clothes into the fire, ordered her to return to her kennel. Hereupon she returned to the closet, the door of which was then locked till next day, when she was found to be in a delirious state, in which she continued till the time of her death, which happened about two o'clock on the Tuesday morning.

The coroner's jury being summoned to sit on the body, Mr. Barton, a surgeon, of Redcross Street, who had opened the body, declared he was of opinion that the deceased had perished through want of the common necessaries of life; and other evidence being adduced to criminate Williamson, he was committed to Newgate.

At the ensuing sessions at the Old Bailey he was brought to trial before lord chief baron Parker; and the principal witnesses against him were his daughter, Mrs. Cole, and Mr. Barton, surgeon, who opened the body of the deceased. The prisoner's defence was exceedingly frivolous: he said, his wife had provoked

him, by treading upon a kitten and killing it, and turning up the whites of her eyes.

It appeared that from the sense of excruciating pain the eyes of the deceased were frequently turned upwards, and her features violently distorted. He had the effrontery to declare to the court that he had not abridged his wife of any of the necessaries of life; and, after sentence of death was pronounced, reflected upon his daughter as being the cause of his destruction. While the child was giving her evidence she wept bitterly, and shewed every sign of being greatly affected.

Being put into the cell he sent for a clergyman, and acknowledged that he had treated his wife in the cruel manner represented upon his trial, adding, however, that he had no design of depriving her of life. From the time of his commitment till the time of his execution, which took place in Moorfields, on the 19th of January, 1767, he behaved in a decent and penitential manner.

He was conveyed to the place of execution in a cart, and attended by two clergymen and a methodist preacher. The gallows was placed on the rising ground opposite Chiswell Street, in Moorfields. After he had sung a psalm, and prayed some time with an appearance of great devotion, he was turned off, amidst an amazing concourse of people. His body was conveyed to Surgeons' Hall for dissection; and his children were placed in Cripplegate workhouse.

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### ELIZABETH BROWNRIGG, FOR MURDER.

ELIZABETH BROWNRIGG, having been a servant to a merchant in Goodman's Fields, became the wife of James Brownrigg, a plumber, who, after being seven years in Greenwich, came to London, and took a house in Flower-de-Luce court, Fleet-street, where he carried on a considerable share of business, and had a small house at Islington, for an occasional retreat. This woman had been the mother of sixteen children, and having practised midwifery, was appointed, by the overseers of the poor of St. Dunstan's parish, to take

care of the poor women who were taken in labour in the workhouse ; which duty she performed to the satisfaction of her employers. Mary Mitchell, a poor girl of the precinct of White Friars, was put apprentice to Mrs. Brownrigg in the year 1765 ; and about the same time, Mary Jones, one of the children of the Foundling-hospital, was likewise placed with her in the same capacity ; she also had other apprentices.

As Mrs. Brownrigg received pregnant women to lie in privately, these girls were taken with a view of saving the expense of women servants. At first, the poor orphans were treated with some degree of civility ; but this was soon changed for the most savage barbarity. Having laid Mary Jones across two chairs in the kitchen, she whipped her with such wanton cruelty, that she was occasionally obliged to desist from mere weariness. This treatment was frequently repeated ; and Mrs. Brownrigg used to throw water on her when she had done whipping her, and sometimes she would dip her head into a pail of water. The room appointed for the girl to sleep in, adjoined the passage leading to the street-door, and as she had received many wounds on her head, shoulders, and various parts of her body, she determined not to bear such treatment any longer, if she could effect her escape. Observing that the key was left in the street door when the family went to bed, she opened the door cautiously one morning, and escaped into the street. Thus freed from her horrid confinement, she repeatedly enquired her way to the Foundling-hospital till she found it, and was admitted, after describing in what manner she had been treated, and shewing the bruises she had received. The child having been examined by a surgeon, who found her wounds to be of a most alarming nature, the governors of the hospital ordered Mr. Plumbtree, their solicitor, to write to James Brownrigg, threatening a prosecution, if he did not give a proper reason for the severities exercised towards the child. No notice of this having been taken, and the governors of the hospital thinking it imprudent to indict at common law, the girl was discharged, in consequence of an application to the chamberlain of London. The other girl, Mary Mitchell, continued with

her mistress for the space of a year, during which she was treated with equal cruelty, and she also resolved to quit her service. Having escaped out of the house, she was met in the street by the younger son of Brownrigg, who forced her to return home, where her sufferings were greatly aggravated on account of her elopement.

In the interim, the overseers of the precinct of White Friars bound Mary Clifford to Mrs. Brownrigg; nor was it long before she experienced similar cruelties to those inflicted on the other poor girls, and possibly still more severe. She was frequently tied up naked, and beaten with a hearth broom, a horse-whip, or a cane, till she was absolutely speechless. This poor girl having a natural infirmity, the mistress would not permit her to lie in a bed, but placed her upon a mat, in a coal-hole that was remarkably cold; however, after some time, a sack and a quantity of straw formed her bed, instead of the mat. During her confinement in this wretched situation, she had nothing to subsist on but bread and water; and her covering during the night consisted only of her own clothes, so that she sometimes lay almost perished with cold. On a particular occasion, when she was almost starving through hunger, she broke open a cupboard in search of food, but found it empty; and on another occasion, she broke down some boards, in order to procure a draught of water. Though she was thus pressed for the humblest necessaries of life, Mrs. Brownrigg determined to punish her with rigour for the means she had taken to supply herself with them. On this, she caused the girl to strip to the skin, and during the whole day, while she remained naked, she repeatedly beat her with the but end of a whip. In the course of this most inhuman treatment, a jack chain was fixed round her neck, the end of which was fastened to the yard door, and then pulled as tight as possible without strangling her. A day being passed in the practice of these savage barbarities, the girl was remanded to the coal-hole at night, her hands being tied behind her, the chain still remaining about her neck. The husband having been obliged to find his wife's apprentices in wearing

apparel, they were repeatedly stripped naked, and kept so for whole days, if their garments happened to be torn. The elder son had frequently the superintendance of these wretched girls ; but this was sometimes committed to the apprentice, who declared that, she was totally naked one night when he went to tie her up. The two poor girls were frequently so beaten, that their heads and shoulders appeared one general sore ; and when a plaster was applied to their wounds, the skin peeled away.

Sometimes Mrs. Brownrigg, when resolved on uncommon severity, tied their hands with a cord, and drew them up to a water-pipe which ran across the ceiling in the kitchen ; but that giving way, she desired her husband to fix a hook in the beam, through which a cord was drawn, and their arms being extended, she horsewhipped them till she was weary, and till the blood flowed at every stroke. The elder son having one day directed Mary Clifford to put up a half-tester bedstead, the poor girl was unable to do it ; on which he beat her till she could no longer support his severity ; and, at another time, when the mother had been whipping her in the kitchen till she was absolutely tired, the son renewed the savage treatment. Mrs. Brownrigg would sometimes seize the poor girl by the cheeks, and forcing the skin down violently with her fingers, caused the blood to gush from her eyes. Mary Clifford, unable to bear these repeated severities, complained of her hard treatment to a French lady who lodged in the house ; and she having represented the impropriety of such behaviour to Mrs. Brownrigg, the inhuman monster flew at the girl, and cut her tongue in two places with a pair of scissars.

On the morning of the 13th of July, this barbarous woman went into the kitchen, and, after obliging Mary Clifford to strip to the skin, drew her up to the staple, and, though her body was very sore, from former bruises, yet this wretch renewed her cruelties with her accustomed severity. After whipping her till the blood streamed down her body, she let her down, and made her wash herself in a tub of cold water ; Mary Mitchell, the other poor girl, being present during this transaction. While Clifford was washing herself,

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ELIZABETH BROWNRIGG.



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Mrs. Brownrigg struck her on the shoulders, already sore with former bruises, with the butt-end of a whip ; and she treated the child in this manner five times in the same day. The poor girl's wounds now began to shew evident signs of mortification : her mother-in-law, who had resided some time in the country, came, about this time, to town, and enquired after her. Being informed that she was placed at Brownrigg's, she went thither, but was refused admittance by Mr. Brownrigg, who even threatened to carry her before the lord mayor, if she came there to make further disturbance. Hereupon the mother-in-law was going away, when Mrs. Deacon, wife of Mr. Deacon, a baker, at the adjoining house, called her in, and informed her, that she and her family had often heard moanings and groans issue from Brownrigg's house, and that she suspected the apprentices were treated with unwarrantable severity. The good woman likewise promised to exert herself to ascertain the truth.

At this juncture Mr. Brownrigg bought a hog at Hampstead, which he sent home. The hog was put into a covered yard, having a sky-light, which it was thought necessary to remove, in order to give air to the animal. As soon as it was known that the sky-light was removed, Mr. Deacon ordered his servants to watch, in order, if possible, to discover the girls. Deacon's servant maid, looking from a window, saw one of the girls stooping down ; on which she called her mistress, and she desired the attendance of some of the neighbours, who having been witnesses of the shocking scene, some men got upon the leads, and dropped bits of dirt, to induce the girl to speak to them ; but she seemed wholly incapable. Mrs. Deacon now sent to the girl's mother-in-law, who immediately called upon Mr. Grundy, one of the overseers of St. Dunstan's, and represented the case. Mr. Grundy and the rest of the overseers, with the women, accordingly insisted on seeing Mary Clifford ; but Brownrigg, who had nick-named her Nan, told them that he knew no such person, but if they wanted to see Mary (meaning Mary Mitchell), they might, and accordingly produced her. Upon this, Mr. Deacon's servant declared that Mary Mitchell was not the girl

they wanted. Mr. Grundy now sent for a constable, to search the house; but no discovery was then made. Mr. Brownrigg threatened highly; but Mr. Grundy, with the spirit that became the officer of a parish, took Mary Mitchell with him to the workhouse, where, on taking off her leathern boddioe, it stuck so fast to her wounds, that she shrieked with the pain; but, on being treated with great humanity, and told that she should not be sent back to Brownrigg's, she gave an account of the horrid treatment that she and Mary Clifford had sustained, and confessed that she had met the latter on the stairs just before they came to the house. Mr. Grundy and some others, therefore, returned to the house, to make a stricter search; on which Brownrigg sent for a lawyer, in order to intimidate them, and even threatened a prosecution, unless they immediately quitted the premises. Unterrified by these threats, Mr. Grundy sent for a coach to carry Brownrigg to the compter; on which the latter promised to produce the girl in half an hour, if the coach was discharged. This being consented to, the girl was produced from a cupboard, under a beaufet in the dining-room, after a pair of shoes, which young Brownrigg had in his hand during the proposal, had been put upon her. It is impossible to describe the miserable appearance of this poor girl; nearly her whole body was ulcerated. Being taken to the work-house, an apothecary was sent for, who pronounced her to be in danger. Brownrigg was conveyed to Wood-street compter; but his wife and son made their escape, taking with them a gold watch and some money.

Mr. Brownrigg was now carried before Mr. Alderman Crosby, who fully committed him, and ordered the girls to be taken to St. Bartholomew's hospital, where Mary Clifford died within a few days. The coroner's inquest was summoned, and found a verdict of Wilful Murder against James and Elizabeth Brownrigg, and John their son. In the mean time, Mrs. Brownrigg and her son shifted from place to place in London, bought clothes in Rag-fair to disguise themselves, and then went to Wandsworth, where they took lodgings in the house of Mr. Dunbar, who

kept a chandler's shop. This chandler happening to read a newspaper on the 15th of August, saw an advertisement which so clearly described his lodgers, that he had no doubt but they were the murderers. On this, he went to London the next day, which was Sunday, and going to church, sent for Mr. Owen, the churchwarden, to attend him in the vestry, and gave him a description of the parties,. Mr. Owen now desired Mr. Deacon, and Mr. Wingrave, a constable, to go to Wandsworth, and make the necessary enquiry. On their arrival at Dunbar's house, they found the wretched mother and son in a room by themselves, who evinced great agitation at this discovery. A coach being procured, they were conveyed to London, without any person in Wandsworth having knowledge of the affair, except Mr. and Mrs. Dunbar.

At the ensuing sessions at the Old Bailey, the father, mother, and son, were indicted; when Elizabeth Brownrigg, after a trial of eleven hours, was found guilty of murder, and ordered for execution; but the man and his son, being acquitted of the higher charge, were detained, to take their trial for a misdemeanour, of which they were convicted, and imprisoned for six months. After sentence of death was passed on Mrs. Brownrigg, she was attended by a clergyman, to whom she confessed the enormity of her crime, and acknowledged the justice of the sentence by which she had been condemned. The parting between her and her husband and son, on the morning of her execution, was affecting beyond description.

On her way to the fatal tree, the people expressed their abhorrence of her crime in terms which, though intemperate at that moment, testified their detestation of her cruelty. Before her exit, she joined in prayers with the ordinary of Newgate, whom she desired to declare to the multitude, that she confessed her guilt, and acknowledged the justice of her sentence. After execution, her body was put into a hackney-coach, conveyed to Surgeons'-hall, dissected and anatomised. She suffered at Tyburn, on the 14th of September, 1767.

**SARAH METYARD AND SARAH M. METYARD,  
FOR MURDER, 1768.**

THE above malefactors kept a house in Bruton-street, Berkeley Square, the mother dealing in millinery goods, and the daughter acting as her assistant. In the year 1758 the mother had five apprentice girls bound to her from different parish workhouses, among whom were Anne Naylor and her sister.

Anne Naylor, being of a sickly constitution, was not able to do so much work as the other apprentices about the same age; and therefore she became the more immediate object of the fury of the barbarous women, whose repeated acts of cruelty at length occasioned the unhappy girl to abscond. Being brought back she was confined in an upper apartment, and allowed each day no other sustenance than a small piece of bread, and a little water.

Seizing an opportunity of escaping from her confinement, she got unperceived into the street, and ran to a milk-carrier, whom she begged to protect her, saying, if she returned she must certainly perish, through want of food and the severe treatment she daily received. Being soon missed she was followed by the younger Metyard, who seizing her by the neck, forced her into the house, and threw her upon the bed in the room where she had been confined. She was then seized by the old woman, who held her down while the daughter cruelly beat her with the handle of a broom.

They afterwards put her into a back room on the second story, tying a cord round her waist, and her hands behind her, and fastened to the door in such a manner that it was impossible for her either to sit or lie down. She was compelled to remain in this situation for three successive days: but they permitted her to go to bed at the usual hours at night. Having received no kind of nutriment for three days and two nights, her strength was so exhausted that, being unable to walk up stairs, she crept to the garret where she lay on her hands and feet. While she remained tied

up on the second floor, the other apprentices were ordered to work in an adjoining apartment, that they might be deterred from disobedience by being witnesses to the unhappy girl's sufferings: but they were enjoined, on the penalty of being subjected to equal severity, against affording her any kind of relief.

On the fourth day she faltered in speech and presently afterwards expired. The other girls seeing the whole weight of her body supported by the strings which confined her to the door, were greatly alarmed and called out, "Miss Sally! Miss Sally! Nanny does not move." The daughter now came up stairs, saying, if she does not move I will make her move; and then beat the deceased on the head with the heel of a shoe.

Perceiving no signs of life she called to her mother, who came up stairs, and having ordered the strings that confined the deceased to be cut, laid the body across her lap, and directed one of the apprentices where to find a bottle with some hartshorn.

When the child had brought the drops she and the other girls were ordered to go down stairs; and the mother and daughter being convinced that the object of their barbarity was dead, conveyed the body into the garret. They told the other apprentices that Nanny had been in a fit but was perfectly recovered, adding, that she was locked in the garret lest she should again run away: and in order to give an air of plausibility to their tale, at noon the daughter carried a plate of meat up stairs, saying it was for Nanny's dinner.

They locked the body of the deceased in a box on the fourth day after the murder; and having left the garret door open, and the street door on the jar, one of the apprentices was told to call Nanny down to dinner, and to tell her that if she would promise to behave well in future, she should be no longer confined. Upon the return of the child, she said, Nanny was not above stairs; and after a great parade in searching every part of the house, they reflected upon her as being of an untractable disposition, and pretended that she had run away.

The sister to the deceased, who was apprentice to the same inhuman mistress, mentioned to a lodger in the house, that she was persuaded her sister was dead : observing, that it was not probable she had gone away, since her shoes, shift, and other parts of her apparel still remained in the garret.

The suspicions of this girl coming to the knowledge of the inhuman wretches, they, with a view of preventing a discovery, cruelly murdered her and secreted the body.

The body of Anne remained in the box two months, during which time the garret door was kept locked, lest the offensive smell should lead to a discovery. The stench became so powerful that they judged it prudent to remove the remains of the unhappy victim of their barbarity ; and, therefore, in the evening of the 5th of December, they cut the body in pieces, and tied the head and trunk up in one cloth, and the limbs in another, excepting one hand, a finger belonging to which had been amputated before death, and that they resolved to burn.

When the apprentices were gone to bed, the old woman put the hand into the fire, saying, the fire tells no tales. She intended entirely to consume the remains of the unfortunate girl by fire ; but, fearing the smell would give rise to suspicion, changed that design and taking the bundles to the gully-hole in Chick-lane, endeavoured to throw the parts of the mangled corpse over the wall into the common sewer ; but, being unable to effect that, she left them among the mud and water that was collected before the grate of the sewer.

Four years elapsed before the discovery of these horrid murders, which at length happened in the following manner. Continual disagreements prevailed between the mother and daughter ; and, though the latter was now arrived at the age of maturity, she was often beat, and otherwise treated with severity. Thus provoked, she sometimes threatened to destroy herself, and at others to give information against her mother as a murderer.

About two years after the murders, a gentleman named Rooker, took lodgings in the house of Met-

yard, where he lived about three months, during which time he had frequent opportunities of observing the severity with which the girl was treated. He hired a house in Hill Street, and influenced by compassion for her sufferings, and desirous of relieving her from the tyranny of her mother, he invited the girl to live in his family in the capacity of a servant ; which offer she cheerfully embraced, though her mother had many times violently opposed her desire of going to service.

The girl had no sooner removed to Mr. Rooker's house than the old woman became perfectly outrageous ; and it was almost her constant daily practice to create disturbances in Mr. Rooker's neighbourhood, by venting the most bitter execrations against the girl, and branding her with the most opprobrious epithets.

Mr. Rooker removed to Ealing, to reside on a small estate bequeathed by a relation ; and having by this time seduced the girl, she accompanied him and lived with him professedly in the character of his mistress. The old woman's visits were not less frequent at Ealing than they had been at Mr. Rooker's house in London ; nor was her behaviour less outrageous. At length Mr. Rooker permitted her to be admitted to the house, imagining that such indulgence would induce her to preserve a decency of behaviour : but he was disappointed, for she still continued to disturb the peace of his family.

On the 9th of June, 1762, she beat her daughter in a terrible manner ; and, during the contention, many expressions were uttered by both parties that gave great uneasiness to Mr. Rooker. The mother called Mr. Rooker, the old perfume tea dog ; and the girl retorted, by saying, remember, mother, you are the perfumer ; you are the Chick-lane ghost, alluding to the body of Anne Naylor having been kept in the box till it became intolerably offensive, and then thrown among the mud and water in Chick-lane.

The mother having retired, Mr. Rooker urged the girl to explain what was meant to be insinuated by the indirect accusations introduced by both parties in the course of the dispute : and, bursting into tears, she confessed the particulars of the murders, begging

that a secret so materially affecting her mother might never be divulged.

Mr. Rooker imagined that the daughter would not be rendered amenable to the law, as she performed her share in the murders by the direction of her mother. He therefore wrote concerning the affair to the overseers of Tottenham parish, whence the girls were put out apprentice: in consequence of which the elder Metyard was taken into custody.

On the day of examination, Mr. Rooker, the younger Metyard, and two children, apprentices in the house when the murders were committed, attended at Sir John Fielding's house in Bow Street. The evidence against the prisoner left no doubt of her guilt; and she was committed to New-prison, Clerkenwell, for re-examination, and the girls were put under the protection of the overseers of St. George's, Hanover-square.

On the trial of these offenders, which came on at the ensuing Old Bailey sessions, they bitterly recriminated each other, and their mutual accusations served to confirm the evidence of their guilt. The younger Metyard pleaded pregnancy; on which a jury of matrons was summoned, who pronounced that she was not with child: after which they were both sentenced to be executed on the following Monday, and then to be conveyed to Surgeons' Hall for dissection.

The mother being in a fit when she was put into the cart, she lay at her length till she came to the place of execution, when she was raised up, and means were used for her recovery, but without effect, so that she departed this life in a state of insensibility. From the time of leaving Newgate to the moment of her death the daughter wept incessantly. They were executed at Tyburn, on the 19th of July, 1768.

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JOSEPH BARETTI,  
FOR MURDER.

At the sessions held at the Old Bailey in November, 1769, Mr. Baretti was brought to his trial, for the mur-

der of Evan Morgan, on the 6th of October preceding, when the substance of the evidence against him was to the following effect.

*Elizabeth Ward* deposed, that between nine and ten at night, on the 6th of October, she heard a woman whom she had never seen before, ask the prisoner to give her a glass of wine, and at the same time take hold of him in a manner inconsistent with decency:—that the prisoner proceeded forward, but, soon turning back, doubled his fist, and struck this deponent a violent blow on the face:—that on her screaming out, three men came up, and demanded how he could strike a woman, and thrusting at him once or twice, pushed him off the pavement. At this time, she said, Baretti drew a knife, while the men followed him, calling out murder! he has a knife out! and this deponent believed that the deceased was stabbed at this juncture.

The deposition of *Thomas Patman* was to the following effect:—That he had been in company with a Mr. Clark, and the deceased, on the night above-mentioned; that he saw Mr. Baretti strike a woman, whom he did not know, on the head, and, on her screaming out, Morgan and Clark pushed Patman, though not with much violence, against Baretti, who gave him a blow on the left side, in consequence of which the blood ran down into his shoe; and then he called out he was stabbed; that Baretti retreated; that Morgan followed him about half way up Panton Street, where Morgan received a wound from the prisoner in Patman's presence, in consequence of which he fell to the ground.

The testimony of *John Clark* confirmed, in several particulars, that of the preceding evidence; but, on his being cross-examined, he acknowledged that Patman did not know he was stabbed till Mr. Baretti ran into Panton Street. He likewise owned, that he had sworn before the coroner, that Morgan collared Baretti before he knew Patman was wounded; and that one of the women said the prisoner ought to have a blow on the head with her patten.

The evidence of Mr. *Lambert*, a tallow-chandler in Panton Street, was to the following effect:—He said, that Mr. Baretti ran into a grocer's shop opposite his

house; that Patman was standing at the door, with the blood running down his shirt, and said that a gentleman in the shop had stabbed him. Mr. Baretti had at that time a knife in one hand, and a silver case over the blade, which was bloody. Mr. Lambert, who was then in the office of constable, called to Baretti to surrender, and, immediately running towards him seized him, and took him into custody, in order to convey him before a magistrate.

Morgan having been carried to the Middlesex-hospital, one of the patients, who had been there at the time, declared, that he had heard the deceased say, that he saw a gentleman assault two women; on which, without intending to give offence, he went to assist them; when Baretti stabbed him in two places, and that he then turned round, and stabbed him a third time; and that the third wound hurt him more than the two former.

The testimony of Mr. Wyatt, the surgeon who attended Morgan, importured, that the deceased received three wounds, one of which, being in the belly, was the immediate occasion of his death.

This being the substance of the evidence on the trial, Mr. Baretti read the following defence.

"On Friday the 6th, I spent the whole day at home, correcting my Italian and English dictionary, which is actually reprinting and working off; and upon another book in four volumes, which is to be published in February next, and has been advertised in the newspapers. I went, a little after four, to the club of Royal Academicians in Soho, where I stopped about half an hour, waiting for my friends and warming myself in the club-room.

"Upon nobody's coming, I went to the Orange-coffee-house, to see if a letter was come for me, (for my letters come there,) but there was none. I went back to go to the club, and going hastily up the Hay-market, there was a woman at a door: they say there were two, but I took notice of but one, as I hope God will save me; there might have been two, though I only saw one; that is a fact. There was a woman eight or ten yards from the corner of Panton Street, and she clapped her hands with such violence about my private parts, that it gave me great pain. This I instantly resented, by giving her a blow on the hand, with a few angry words. The woman got up directly, raised her voice, and finding by my pronunciation I was a foreigner, she called me several bad names, in a most contumelious strain; among which French bougre, d---d Frenchman, and a woman-hater, were the most audible.

"I had not quite turned the corner, before a man made me turn

back, by giving me a blow with his fist, and asking me how I dare strike a woman ; another pushed him against me, and pushed me off the pavement : then three or four more joined them. I wonder I did not fall from the high step which is there. The path-way is much raised from the coach-way. A great number of people surrounded me presently, many beating me, and all d——g me on every side, in a most frightful manner. I was a Frenchman in their opinion, which made me apprehensive I must expect no favour nor protection, but all outrage and blows.

" There is generally a great puddle in the corner of Panton Street, even when the weather is fine ; but that day it had rained incessantly, which made it very slippery. I could plainly perceive my assailants wanted to throw me into the puddle, where I might be trampled on ; so I cried out, murder ! There was a space in the circle, from whence I ran into Panton Street, and endeavoured to get into the foot-way. I was in the greatest horror, lest I should run against some stones, as I have such bad eyes. I could not run so fast as my pursuers, so that they were upon me, continually beating and pushing me, some of them attempting to catch me by the hair-tail : if this had happened, I had been certainly a lost man. I cannot absolutely fix the time and place where I first struck. I remember, somewhere in Panton Street, I gave a quick blow to one who beat off my hat with his fist.

" When I was in Oxendon Street, fifteen or sixteen yards from the Haymarket, I stopped and faced about. My confusion was great, and seeing a shop open, I ran into it for protection, quite spent with fatigue. I am certainly sorry for the man ; but he owed his death to his own daring impetuosity. Three men came into the shop, one of them cried to me to surrender myself to him, who was a constable. I asked them, if they were honest men, and friends ; they said, yes. I put up my knife, desired them to arrest me ; begged they would send for a coach, and take me to sir John Fielding,

" I appeal to them how I behaved when I surrendered, and how thankful I was for their kind protection. Sir John heard what I and the men had to say. They sent me into a room below, from whence I dispatched a man to the club in Gerrard-street, where sir Joshua Reynolds and other gentlemen came to me.

" A messenger was dispatched to the Middlesex-hospital, where they said Morgan was carried. A surgeon came, and took his oath that Morgan was in danger. Sir John committed me to Tothill-fields bridewell. Two gentlemen, as well as the constable, can witness to my behaviour when the coachman lost his way, which forced us to alight in the mire and darkness, in order to find the way to Tothill-fields bridewell. I humbly conceive this will shew I had no intention of escaping. That woeful night I passed without rest.

" My face had been observed to be hurt, while I was at sir John Fielding's ; and the constable was the first who took notice of a blow I had received on the chin. But when the heat and fear had subsided, I found a great pain in divers parts of my body. Mr. Molini and Mr. Low, being with me, desired me to let them see what was the matter with my back, which I complained of. I stripped, and they saw several bruises.

" This, my lord and gentlemen of the jury, is the best account I

can give of my unfortunate accident: for what is done in two or three minutes, in fear and terror, is not to be minutely described; and the court and jury are to judge. I hope your lordship and every person present, will think that a man of my age, character, and way of life, would not spontaneously quit my pen, to engage in an outrageous tumult. I hope it will easily be conceived, that a man almost blind could not but be seized with terror on such a sudden attack as this. I hope it will be seen, that my knife was neither a weapon of offence or defence; I wear it to carve fruit and sweetmeats, and not to kill my fellow creatures.

"It is a general custom in France not to put knives upon the table, so that even ladies wear them in their pockets for general use. I have continued to wear it after my return, because I have found it occasionally convenient. Little did I think such an event would have happened. Let this trial turn out as favourable as my innocence may deserve, still my regret will endure as long as life shall last.

"A man who has lived full fifty years, and spent most of that time in a studious manner, I hope, will not be supposed to have voluntarily engaged in so desperate an affair. I beg leave, my lord and gentlemen, to add one thing more. Equally confident of my own innocence, and English discernment to trace out truth, I did resolve to waive the privileges granted to foreigners by the laws of this kingdom: nor was my motive a compliment to this nation; my motive was my life and honour, that it should not be thought I received undeserved favour from a jury part of my own country. I chose to be tried by a jury of this country; for if my honour is not saved, I cannot much wish for the preservation of my life. I will wait for the determination of this awful court with that confidence, I hope, which innocence has a right to obtain. So God bless you all."

Several gentlemen now appeared in behalf of Mr. Baretti; among whom, Mr. *Lambert* proved that he had received a blow, that his hat was lost, and that his face was swelled.

Mr. *Molini* swore that, on the day after the affray, he had observed a swelling on Mr. Baretti's cheek, and several bruises on his back and shoulder; and Mr. *Low* deposed, that, when he visited Mr. Baretti in prison, he had seen six or seven bruises on different parts of his body.

Justice *Kelynge*, major *Alderton*, and Mr. *Petrin*, deposed, that some abandoned women, attended by bullies, had severally attacked them in an indecent way in the Haymarket.

To the character of Mr. Baretti appeared sir *Joshua Reynolds*, Dr. *Johnson*, Mr. *Fitzherbert*, and Edmund *Burke*, Esq. all of whom represented him as a man of benevolence, sobriety, modesty, and learning. The

honourable Mr. Beauclerk, Mr. Garrick, and Mr. Molini, all confirmed this testimony, adding, that persons who travel in foreign countries are accustomed to carry such knives as that which had been unhappily made use of by the prisoner.

After considering the whole matter, the jury acquitted Mr. Baretti of murder and man-slaughter, and gave a verdict of Self-defence.

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MUNGO CAMPBELL,  
FOR MURDER.

MUNGO CAMPBELL was a descendant of the noble family of Argyle, and was born at Ayr, in Scotland, in the year 1721. His father, who was a merchant of eminence, had been mayor of the town, and a justice of peace; but having twenty-four children, and meeting with many losses in his commercial connexions, it was impossible for him to make any adequate provision for his family; so that on his death, the relations took care of the children, and educated them in the liberal manner which is customary in Scotland. Mungo was protected by an uncle, who gave him a good education; but this generous friend dying when the youth was about eighteen years of age, left him sixty pounds, and earnestly recommended him to the care of his other relations. The young man was a finished scholar; yet seemed averse to make choice of any of the learned professions. His attachment appeared to be to the military life, in which line many of his ancestors had most gloriously distinguished themselves. He now entered himself as a cadet in the royal regiment of Scotch Greys, then commanded by his relation, général Campbell, and served during two campaigns at his own expense in the hope of gaining military preferment. After the battle of Dettingen, at which he assisted, he had an opportunity of being appointed quarter master, if he could have raised one hundred pounds; but this place was bestowed on another person, while Campbell was making fruitless applications for the money. Thus disappointed of what he thought a reasonable expec-

tation, he quitted the army, and went into Scotland, where he arrived at the juncture when the rebels had quitted Edinburgh, in 1745. Lord Loudon then had the command of the royal Highlanders, who exerted so much bravery in the suppression of the rebellion. Mr. Campbell being related to his lordship, fought under him with such bravery as did equal credit to his loyalty and courage.

Not long after the decisive battle of Culloden, lord Loudon procured his kinsman to be appointed an officer of the excise; and prevailed on the commissioners to station him in the shire of Ayr, that he might have the happiness of residing near his friends and relations. In the discharge of this new duty, Mr. Campbell behaved with strict integrity to the crown, yet with so much civility, as to conciliate the affections of all those with whom he had any transactions. He married when he was somewhat advanced in life; and so unexceptionable was his whole conduct, that all the nobility and gentry in the neighbourhood, the earl of Eglinton excepted, gave him permission to kill game on their estates. However, he was very moderate in the use of this indulgence, seldom shooting but with a view to gratify a friend with a present, hardly ever for his own emolument. He had a singular attachment to fishing; and a river in lord Eglinton's estate affording the finest fish in that country, he would willingly have angled there; but his lordship was as strict with regard to his fish as his game.

Being one day in search of smugglers, and carrying his gun, he was crossing part of lord Eglinton's estate, when a hare starting up, he shot her. His lordship hearing the report of the gun, and being informed that Campbell had fired it, sent a servant to command him to come to the house. Campbell obeyed, and was treated very unkindly by his lordship, who even descended to call him by names of contempt. The other apologized for his conduct, which he said arose from the sudden starting of the hare, and declared that he had no design of giving offence. A man named Bartleymore was among the servants of lord Eglinton, and was a favourite of his lordship; this man

had dealt largely in contraband goods. Mr. Campbell, passing along the sea-shore, met Bartleymore with a cart, containing eighty gallons of rum, which he seized as contraband, and the rum was condemned, but the cart restored, as being the property of lord Eglington. Bartleymore was now so incensed against Campbell, that he contrived many tales to his disadvantage, and at length engaged his lordship's passion so far, that he conceived a more unfavourable opinion of him than he had hitherto done ; while Campbell, conscious that he had only discharged his duty, paid little or no attention to the reports of his lordship's enmity. About ten in the morning of the 24th of October, 1769, Campbell took his gun, and went out with another officer with a view to detect smugglers. The former took with him a licence for shooting, which had been given him by Dr. Hunter; though they had no particular design of killing game. They now crossed a small part of lord Eglington's estate, to reach the sea-shore, where they intended to walk. When they arrived at this spot it was near noon ; and lord Eglington came up in his coach, attended by Mr. Wilson, a carpenter, who was working for him, and followed by four servants on horseback. On approaching the coast, his lordship met Bartleymore, who told him that there were some poachers at a distance. Mr. Wilson endeavoured to draw off his lordship's notice from such a business, but Bartleymore saying that Campbell was among the poachers, lord Eglington quitted his coach, and mounting a led horse, rode to the spot, where he saw Campbell and the other officer, whose name was Brown. His lordship said, Mr. Campbell, I did not expect to have found you so soon again on my grounds, after your promise, when you shot the hare. He then demanded Campbell's gun, which the latter declared he would not part with. Lord Eglington now rode towards him ; while Campbell retreated, with his gun presented, desiring him to keep at a distance. Still, however, his lordship advanced, smiling, and said, are you going to shoot me ? Campbell replied, I will, if you do not keep off.

Lord Eglington now called to his servants to bring him a gun, which one of them took from the

coach, and delivered it to another, to carry to their master. In the interim, lord Eglington, leading his horse, approached Mr. Campbell, whose gun he demanded; but the latter would not deliver it. The peer then quitted his horse's bridle, and continued advancing, while Campbell still retired, though in an irregular direction, and pointed his gun towards his pursuer. At length, lord Eglington came so near him, that Campbell said, I beg your pardon, my lord, but I will not deliver my gun to any man living, therefore keep off or I will certainly shoot you. At this instant, Bartleymore advancing, begged Campbell to deliver his gun to lord Eglington; but the latter answered, he would not, for he had a right to carry a gun. His lordship did not dispute his general right, but said, that he could not have any to carry it on his estate, without his permission. Campbell again begged pardon, and still continued retreating; but with his gun in his hand, and preparing to fire in his own defence. While he was thus walking backwards, his heel struck against a stone and he fell, when he was about the distance of three yards from his pursuer. Lord Eglington observing him fall on his back, stepped forward as if he would have passed by Campbell's feet, which the latter observing, reared himself on his elbow, and lodged the contents of his piece in the left side of his lordship's body. At this critical juncture, the servant above-mentioned brought the gun from the coach, and Campbell would have wrested it from his hands, but that Bartleymore came up just at the very moment; and at this moment, lord Eglington putting his hand to his wound, said, I am killed.

A contest now ensued during which Bartleymore repeatedly struck Campbell; which being observed by Lord Eglington, he called out, "do not use him ill." Campbell being secured was conducted to the wounded man, then lying on the ground, who said, "Mr. Campbell, I would not have shot you;" but Campbell made no answer. Lord Eglington's seat was about three miles from the place where this fatal accident happened; and his servants put him into the carriage to convey him home. In the mean time Campbell's hands were tied behind and he was con-

ducted to the town of Saltcotes, the place of his former station as an exciseman. The persons who conducted him asked him several questions, the answers to which were afterwards very ungenerously adduced on his trial, as collateral evidence of his guilt. Among other things he acknowledged that he would rather part with his life than his gun, and that sooner than have it taken from him, he would shoot any peer of the realm.

Lord Eglington died after languishing ten hours, Mr. Campbell was, on the following day, committed to the prison of Ayr, and the next month removed to Edinburgh, in preparation for his trial before the high court of justiciary; previous to which his case was discussed by counsel, and the following arguments were adduced in his favour.

“First, that the gun went off by accident, and therefore it could be no more than casual homicide.

“Secondly, That supposing it had been fired with an intention to kill, yet the act was altogether justifiable, because of the violent provocation he had received; and he was doing no more than defending his life and property.

“Thirdly, It could not be murder because it could not be supposed that Mr. Campbell had any malice against his lordship, and the action itself was too sudden to admit of deliberation.”

The counsel for the prosecution urged in answer,

“First, That malice was implied in consequence of Campbell’s presenting the gun to his lordship, and telling him, that unless he kept off he would shoot him.

“Secondly, That there was no provocation given by the earl besides words, and words must not be construed a provocation in law.

“Thirdly, The earl had a right to seize his gun in virtue of several acts of parliament, which are the established laws of the land, to which every subject is obliged to be obedient.”

After repeated debates between the lawyers of Scotland, a day was at length appointed for the trial, which commenced on the 27th of February, 1770, before the high court of justiciary; and the jury having found Mr. Campbell guilty, he was sentenced to death.

The Lord Justice Clerk, before he pronounced the solemn sentence, addressed himself to the convict, advising him to make the most devout preparations for death, as all hopes of pardon would be precluded from the nature of his offence. Through the whole

course of the trial the prisoner's behaviour was remarkable for calmness and serenity ; and when it was ended he bowed to the court with the utmost composure, but said not a single word in extenuation of his crime.

On his return to the prison he was visited by several of his friends, among whom he behaved with apparently decent cheerfulness. After they had drunk several bottles of wine they left him, and he retired to his apartment, begging the favour of another visit from them on the following day ; but in the morning (Feb. 28, 1770,) he was found dead, hanging to the end of a form, which he had set upright, having fastened a silk handkerchief round his neck.

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### WILLIAM SPIGGOTT, FOR MURDER, 1770.

WILLIAM SPIGGOTT was the accomplice of one Williams, a young gentleman who had engaged him, with William Morris, David and Charles Morgan, Walter Evans, David Llewellyn, &c. to assist in the murder of Mr. Powell, a man of fortune, resident at Glenareth, in Caermarthenshire, where his ancestors had, for some hundred years, possessed a family estate. He married a young lady of a handsome fortune, and two children were the issue of the marriage ; but a separation taking place, Mrs. P. went to reside with her relations. Still, feeling the anxiety of a mother for her children, and unwilling that they should remain with a father who had given repeated proofs of his ill treatment, she disclosed her sentiments to Mr. Williams, begging that he would acquaint her of the most proper mode of getting her children out of the hands of their father.

Williams now became elated with the idea that Mrs. Powell was enamoured of him : he therefore made no scruple to promise all the assistance in his power to complete the favourite wish of her heart ; in furtherance of which, he contrived to get the children from the father and convey them to the mother. Mrs. Powell, convinced that it would be impossible for her to detain

them, if her husband should insist on their being delivered up, sent them to a boarding school in the neighbourhood of London, in pursuance of Williams's advice.

The father, having obtained information of the house to which the children were sent, determined that they should not remain in their present situation: and repairing to the boarding-school, he claimed the children; but the master of the school, saying that they had been placed there by Williams, refused to deliver them up.

Mr. Powell now made application to the court of King's Bench for a writ of habeas corpus, which having been granted, was served on the master of the boarding-school, who delivered up the children, who were taken home by their father. The court likewise granted a rule against Williams, to shew cause why he had taken the children away without the authority of the father: to which Williams paid no attention; so that after a year had elapsed, the court directed that the rule should be made absolute, and Williams served with a writ of attachment for the contempt. This writ was directed to the high sheriff of Caermarthenshire, who ordered an officer to take Williams into custody: but having secreted himself, he then formed the resolution of murdering Mr. Powell. Accordingly, he engaged twelve poor men, to whom he promised each a guinea, to assist him in the execution of his horrid purpose.

The plan being settled, they met together on Sunday evening, in January, 1770; and having put on frocks and blackened their faces, they went to Mr. Powell's house.

All the parties remained at the door to keep guard, except Williams, Spiggott, and David Morgan, who knocked at the door, which being opened by a servant, they rushed in.

They now made a forcible entry into the parlour where Mr. Powell was sitting, and attacking him, cut his nose from his face, almost cut off one of his hands, and then stabbed him in the belly in nine places, so that his bowels hung out of his body, and then left him expiring.

The murder being thus accomplished, they quitted the house, and all the parties set off together towards the place of Williams's residence. As soon as day appeared, the report of it spread through the country; and a deep snow having fallen just before the perpetration of the deed, afforded a fortunate means of discovering the murderers; several people observing that the tracks of the feet of men were visible in the snow.

The advice of two magistrates being taken on the occasion, they procured a number of constables, and with them traced the footsteps to the house of Charles Morgan, which was at the distance of five miles; but they could not discern the track any farther, which circumstance gave rise to a suspicion that he had been concerned in the murder.

Morgan was accordingly apprehended, and immediately examined. For some time he firmly denied all knowledge of the affair. At length, one of his shoes was taken off, and on a constable measuring with it the print of one of the feet in the snow, it was found that the shoe not only fitted the size of the impression; but that the number of nails in the shoe were equal to the marks of nails in the snow. At length he confessed it, and informed the magistrates of the road which his accomplices had taken.

Morgan was now committed to prison, and the other parties set out in pursuit of the absconded murderers, five of whom were apprehended the same day, and committed to the Caermarthen gaol; and on the following day two others were taken, and lodged in the county prison for Brecknockshire.

In the mean time, Williams made his escape to Milford Haven, whence he embarked on board a vessel bound to Ireland, and thence, it was reported that he went to France.

Two writs of habeas corpus were issued by the court of King's Bench, directed to the sheriff of Brecknockshire, and to the sheriff of Caermarthen-shire, requiring them to commit the prisoners to the custody of the sheriff of Herefordshire, to be by him kept in safe custody till they should be delivered in due course of law.

Sir Joseph Yates having presided at the ensuing assizes for the county of Hereford, the prisoners were put on their trials, and were capitally convicted ; but sentence of death was not passed upon them till the arguments of counsel had been heard in their defence.

On the trial, the counsel for the prisoners urged the following arguments in their behalf :

" That this prosecution is founded on the statute of the 26th of Henry VIII, which enables the judges of gaol delivery to cause persons committing offences in Welch counties to be indicted in the next English county ; that the first objection which occurs is, that it does not appear in the body of the indictment that Herefordshire is the next adjoining county to Caermarthenshire ; that as, at common law, the judges in Herefordshire would have had no jurisdiction in this case, it is an extraordinary jurisdiction ; and, to entitle the judges to proceed, every circumstance must appear upon the face of the record necessary to give that jurisdiction ; that the court could not judicially take notice of Caermarthenshire, it not being contiguous to Herefordshire ; and the want of this allegation in the body of the indictment is a fatal defect.

" Moreover—That the statute of the 26th Henry VIII. extends only to such of the counties of Wales as were the lords marshes ; that the preamble of the act recites the several outrages that were committed in the marshes ; and that the powers of the act were given with a design of remedying those evils ; that Caermarthenshire was not one of the lords' marshes, and consequently not included in that act." The counsel owned that he had seen the cases of Thomas Athoe the elder, and Thomas Athoe the younger ; and confessed that an objection similar to his last had been overruled, in respect to those unhappy men.

The opinion of the court was, however, that both of the objections were ill-founded.

With regard to the first, in particular, it was said, that " the act empowers the jury to find the bill in the next English county. The contiguity of the county is no part of the charge, it is only a circumstance which gives the jurisdiction ; and though not stated in the body of the indictment, yet it is set forth upon the record, when it comes to be made up, and will there sufficiently appear."

Sir Joseph Yates now proceeded to pass sentence of death on the convicts ; but, as some of them did not understand the English language, he addressed himself more particularly to William Spiggott, in the following energetic language :

" William Spiggott, you have been tried, and, upon evidence that leaves not the smallest doubt, have now been found guilty of the most wicked, the most savage, the most horrid murder that ever stained the hand of man—a cool, deliberate, concerted,

assassination!—without a quarrel to provoke, without a passion to incite, without a motive to tempt you, but the blackest that ever disgraced human nature—a willingness to earn the wages of iniquity, the execrable wages of an hireling assassin. And how hardened, how determined, the preparation you made for that bloody work! day after day projecting that design, till at last, deliberately putting on the ruffian's frock and blackened face, you daringly entered the doors of the deceased, and in his own house murdered him, most inhumanly murdered him, with every circumstance of savage barbarity; yet he had never done the least wrong to you, never gave the smallest provocation or offence.

“The sentence of the law will most certainly be executed upon you; and that sentence is, That you must be taken from hence to the place from whence you came, and from thence, on Friday next, to the place of execution; that you be there hanged by the necks, till you are dead, and that your bodies afterwards be delivered to the surgeons, to be dissected.”

The convicts were then re-conveyed to prison; and on the Friday following were taken to the place of execution at Hereford, where they suffered the sentence of the law, March 30, 1770.

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### LEVI WEIL, ASHER WEIL, JACOB LAZARUS, AND SOLOMON PORTER,

#### FOR MURDER.

THE subjects of this narrative were all Jews, and such were their proceedings that they brought disgrace on the people of that persuasion.

Levi Weil had studied physic in the University of Leyden, where he was admitted to the degree of doctor in that faculty; and then coming to England, he practised physic in London; and was well known by the name of Doctor Weil: but so destitute was he of principle that he determined to engage in robberies; and wrote to Amsterdam to some poor Jews to come to England and assist him in his intended depredations. In pursuance of this plan they robbed the house of a lady near Cheshunt, in Hertfordshire, and likewise that of Mr. Barclay, near Enfield, whence they carried off plate and cash to a considerable amount.

This system they continued for some time, binding the servants in the houses which they robbed, and leaving them in that situation till relieved by any person who might witness their distress.

But we now proceed to relate the particulars of the dreadful crime which ended in the death of the four malefactors whose names are mentioned at the head of this narrative. Mrs. Hutchins was a widow lady who occupied a very considerable farm in the King's-road, Chelsea ; and the Jews having made inquiries into her circumstances, and finding a probability of obtaining a valuable booty, they formed the resolution of robbing her house. They went to Chelsea on the evening of the 11th of June, 1771, and having sauntered in the fields till the clock had struck ten, they then went to the house of Mrs. Hutchins, and having knocked at the door it was opened by the maid-servant.

The door was no sooner opened than eight Jews rushed into the house. At this time Mrs. Hutchins was in the parlour ; but hearing the barking of her dog, she ran forward to learn what occasioned the disturbance, when she found that the girl's cap was by the villains, who were treating her with great cruelty. Mrs. Hutchins would have assisted the girl, but Doctor Weil seized her, and compelled her to sit down in a chair ; after which he threw part of her clothes over her head, to prevent her seeing the housebreakers, and threatened to murder Mrs. Hutchins if she made any disturbance. In the mean time five of the Jews went up stairs to a room where Joseph Slow and Joseph Stone, two men servants of Mrs. Hutchins, ~~were in bed together~~, and in a sound sleep. Doctor Weil gave Stone a violent blow on the breast, by which he was awakened ; and Slow starting up at that instant, one of the villains cried out, shoot him ; and a pistol was immediately fired, the ball from which lodged in the body of Slow, who instantly exclaimed, Lord have mercy on me ! I am murdered, I am murdered. The villains now dragged the body of the wounded man towards the head of the stairs, which being observed by Stone, he made his escape out of the window ; but before he had effected his escape he was fired at by one of the gang.

They now proceeded to plunder the house, and obtained a considerable booty in plate. After this they applied to Mrs. Hutchins for money. She gave them her watch ; but still they insisted on money,

which they said they came for, and would have, or they would destroy her. One of them struck her so forcibly on the mouth as to loosen a tooth ; on which, in the dread of still farther violence, she went up stairs with them, and gave them sixty-four guineas. Having thus obtained all the booty they could, the villains quitted the house ; on which Mrs. Hutchins went to see how her servants had fared : she found two of the maid-servants bound together ; and no sooner had she given them their liberty, than the wounded man approached her, and said, how are you, madam ?—for I am dead.—These words were scarcely pronounced when he dropped on the floor ; and, having languished under the most excruciating pain till the afternoon of the following day, he expired.

The murderers remained undiscovered for a considerable time, till Daniel Isaacs became the means of discovering his accomplices. He was one of those men who had been induced to come from Holland, and being now reduced to distress, he applied for assistance to the elders of the Jewish Synagogue. The treasurer of the synagogue, Mr. Myers, refused Isaacs, urging as a reason, that he had acted improperly in leaving his native country..

The robbery and murder at Mrs. Hutchins's was no sooner known than a reward was offered from the Secretary of State's office, for the apprehension of the offenders : and this offer was seconded by that of a much more considerable reward from the city of London : on which Isaacs, greatly reduced by poverty, and tempted by the prospect of the reward, went to Mr. Myers, whom he acquainted with the whole of the transaction.

Mr. Myers now took Isaacs to Sir John Fielding's office, where he was strictly examined, and admitted an evidence against his accomplices, six of whom were soon apprehended ; but the other made his escape.

At the sessions held at the Old Bailey, in the month of December, 1771, Levi Weil, Asher Weil, Marcus Hartogh, Jacob Lazarus, Solomon Porter, Lazarus Harry, and Abraham Linevill (the party who had absconded,) were indicted for the felony and murder above-mentioned ; when the two of the name of Weil,

with Jacob Lazarus, and Solomon Porter, were capitally convicted ; and Marcus Hartogh and Lazarus Harry were acquitted.

These men, as is customary in all cases of murder, when it can be made convenient to the court, were tried on a Friday ; and on the following day they were anathematized in the Synagogue.

As their execution was to take place on the Monday following, one of the Rabbies went to them in the press-yard of Newgate, and delivered to each of them a Hebrew book ; but he declined attending them to the place of death, and would not even pray with them at the time of his visit.

They were attended to the place of execution by immense crowds of people, who were anxious to witness the exit of wretches whose crimes had been so much the object of public notice.

Having prayed together and sung a hymn in the Hebrew language, they were launched into eternity. After the bodies had hung the customary time, that of Doctor Weil was delivered to the gentlemen of the Royal Academy, while those of his accomplices were conveyed to Surgeons' Hall to be dissected.

They suffered at Tyburn on the 9th of December, 1771.

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JOHN CALAS,  
FOR MURDER.

The murder of Calas, committed at Toulouse, by the hand of justice, on the 9th of March, 1772, is one of the most singular events which can be offered to the attention of the present age, or of posterity. In this strange affair, religion, suicide, and parricide have been blended. The questions were, whether a father and mother had strangled their own son to obtain the favour of God ? Whether a brother had strangled his brother, or a friend his friend ; and whether the judges had the guilt of having broken on the wheel an innocent father, or of having saved a guilty mother, brother, and friend ?

John Calas, at the age of sixty-eight, had been in

the business of a merchant at Toulouse for forty years, and was considered by all those who had lived with him as a good father. He and his wife were protestants, and so were all his children except one, who had abjured heresy, and to whom he allowed a small annuity. He was so far removed from that absurd fanaticism which breaks all social bonds, that he approved the conversion of his son Louis Calas, and had kept in the house for thirty years a female servant who was a zealous catholic, and who had brought up all his children.

One of the sons of John Calas, called Mark Anthony, was a man of letters. He was deemed a person of a restless, melancholy, and violent disposition. This young man, not being able to manage or to succeed in mercantile business, for which he was not qualified, and not being admitted as advocate or counsel, because a certificate of his being a catholic was necessary, resolved to put an end to his life, and communicated his design to one of his friends. He strengthened his resolution by reading every thing that had been written on suicide.

In short, having lost his money one day at play, he was determined by that circumstance to execute his design. A friend of his, as well as of the family, called Lavaisse, arrived from Bourdeaux in the evening. He was a youth of the age of nineteen, remarkable for the candour and sweetness of his manners, and the son of a celebrated advocate at Toulouse. He supped by a kind of accident at the house of Calas. The father, the mother, Mark Anthony, the eldest, and Peter the second son, were of the company. After supper, they withdrew into a little hall, and Mark Anthony disappeared. When the young Lavaisse had taken his leave, and Peter Calas was accompanying him down stairs, they found Mark Anthony stripped to his shirt, and hanging at the door of the warehouse. His clothes were folded and laid on the counter; his shirt was but a little discomposed; his hair was carefully combed. and his body had neither wounds nor bruises.

Lavaisse and Peter Calas, in a state little short of distraction, ran to bring surgeons and officers of justice. While they were acquitted themselves of this duty;

while the father and mother were sobbing and shedding tears from the bitterest grief, the people of Toulouse crowded round the house. They are superstitious and passionate ; each of them would regard as a monster, a brother who was not of the same religion with him. It was at Toulouse that solemn thanks were offered up to God for the death of Henry III. and that an engagement was entered into upon oath, to cut the throat of the first person who should speak of acknowledging the title of the great and good Henry IV. That city continues a yearly solemnity, in which, by a procession, and by *feux de joie*, they celebrate the day in which, two centuries ago, they massacred four thousand citizens for the misfortune of heresy. Six edicts of council have been issued in vain to forbid these odious festivals. The inhabitants of Toulouse continue to rejoice in them, as those of a better disposition would in the *Games of Flora*.

Some fanatic among the populace exclaimed, that John Calas had hanged his own son. That exclamation being repeated, was unanimously assented to in a moment. It was added by some persons, that the deceased young man was to have made his abjuration on the following day, but that his family, assisted by the young Lavaisse, had put him to death out of hatred to the Catholic religion. This was admitted beyond doubt. The whole city was persuaded, that it is a principle of religion among the Protestants, that a father and mother should assassinate their son, when he entertained any thoughts of being converted.

When the minds of men are once set in motion, it is not easy to stop them. It was supposed that the Protestants of Languedoc had assembled the preceding evening ; that they had chosen by a plurality of voices an executioner of their sect ; that the choice had fallen on young Lavaisse ; that the young man, in four-and-twenty hours, had received the news of his election, and had travelled from Bordeaux to aid John Calas, his wife, and his son Peter, to murder a friend, a son, and a brother.

Sieur David, sheriff of Toulouse, roused by these rumours, and wishing to have the merit of a prompt execution, instituted a process contrary to the rules

and laws observed on such occasions. The family of Calas, Lavaisse, and the catholic servant, were accordingly put in irons.

A monitory letter was published, enjoining those who knew any thing of this affair to reveal it, and which was no less iniquitous than the process. They went further—Mark Anthony Calas died a Calvinist; and if he had put an end to his own life, his body should have been dragged through the streets; but he was buried with the greatest pomp in the church of St. Etienne, though the curate protested against it as the greatest profanation.

There are to Languedoc four fraternities of penitents, the white, the blue, the grey, and the black. These brothers wear a large cowl and a mask of cloth, with two holes to see through. They had hopes to engage duke Fitz-James, the commandant of the province, to become one of their body, but he refused them. The order of white brothers celebrated a solemn service at the interment of Mark Anthony Calas, as if he had died a martyr. No festival sacred to a real martyr was ever observed with more solemnity; but the pomp of it was terrible: they placed on a magnificent scaffold a skeleton, which they could cause to move, that represented Mark Anthony Calas holding a palm in one hand, and in the other a pen, with which he was to have signed his abjuration of heresy, but which, in effect, wrote the death warrant of his unhappy father.

There was but one step further to be taken with the poor youth who had put an end to his life, and that was canonization. The people considered him as a saint; some invoked; some prayed at his shrine; others requested miracles, and others related those which he had performed. A monk drew out some of his teeth, in order to be in possession of durable relics. A devotee, who had been deaf, said he had heard the sound of the bells; and a priest who had received a stroke of an apoplexy, was cured on taking only an emetic. They prepared narratives of these miracles. The author of this account has an attested case of a young man who lost the use of his understanding by remaining all night in prayer, on the tomb of this new saint,

and not obtaining any of the miracles which he implored.

Some of the magistrates were of the fraternity of white penitents. This circumstance insured the death of John Calas.

The minds of men were particularly inclined to his punishment by the approach of that singular festival, in which the inhabitants of Toulouse recognised the massacre of four thousand Huguenots ; the year 1762 was their secular year. They prepared throughout the city the apparatus of this solemnity. This fired the imaginations of the people, which were already warmed. They publicly said that the scaffold on which Calas was to be broken on the wheel, would be the greatest ornament of the festival, and that Providence had prepared this victim as a sacrifice to our holy religion. It seems hardly credible at this time, when philosophy has made so great a progress, and when a hundred academies are writing to meliorate our manners, fanaticism, irritated by the success of reason, struggles under it with uncommon rage.

Thirteen judges assembled every day to try that cause. There was no proof of guilt ; indeed, there could be none against the family of Calas : but false religion furnished what would serve as such. Six judges insisted long and violently, that John Calas, his son Peter, and young Lavaisse, should be broken on the wheel, and that the wife of Calas should be burnt. The other seven, something more moderate, wished to have the affair examined into. This occasioned long and repeated debates. One of the judges, convinced of the innocence of the accused, and even of the impossibility of their having committed the crime, spoke warmly in their favour ; he opposed the zeal of humanity to that of cruelty. He became the public advocate of the family of Calas, throughout Toulouse, where the constant clamour of false religion required the blood of those unfortunate persons. Another of the judges, remarkable for his violence, was provoked by their being defended, and used more zeal and industry in inflaming the city against them. In short, this contest grew so warm, that both the judges were

obliged to decline their attendance on business, and to retire into the country.

But unfortunately, the judge most favourable to Calas, had the delicacy to persist in his absence; and the other returned to give his voice against persons whom it had not been decent for him to sit in judgment upon. His voice was fatal to the pretended criminal, who was condemned by eight against five; one out of the six judges favourable at the commencement, after long persuasion, being brought over to the more severe and cruel party.

It might be expected, when parricide was the crime under consideration; or when the father of a family was to be delivered up to a horrible punishment, that the judgment against him should have been unanimous, because the proofs of so extraordinary a crime should be evident to all the world. The least doubt in such a case should make a judge tremble, who was preparing to pronounce a sentence of death. The weakness of our reason, and insufficiency of our laws, are daily perceived. But in what instance can we point out and lament the wretched tenure of human happiness, if not where the preponderance of a single voice condemns a citizen to be broken alive on the wheel? At Athens, a sentence of death could not be pronounced, but by the judgment of a majority of fifty voices. This only proves what we have long known without effect, that the Greeks were wiser and more humane than we are.

It must appear impossible that John Calas, a man sixty-eight years old, whose legs had long been swollen and feeble, should alone have strangled or hung up a son who was but eight-and-twenty, and who was a youth of uncommon strength. He must have been assisted in the execution of such a design by his wife, by his son Peter, by Lavaisse, and by the servant. They had been together the whole of the evening in which the fatal event took place. But this supposition was as absurd as the former; for how could it be supposed, that a servant, who was a zealous catholic, would suffer Huguenots to assassinate a young man brought up by her, as a punishment for being attached to the religion of that very servant? How could it

be supposed, that Lavaisse should come with the utmost expedition from Bourdeaux to murder his friend, of whose conversion he was ignorant? Who will imagine, that a tender and affectionate mother should lay violent hands on her own son? And how, even supposing them all agreed, could they put to death by hanging, a young man, whose strength was equal to that of all of them, without long and violent struggles; without cries or groans, which would have brought the neighbourhood together, and without leaving marks of violence on the bodies or even the clothes of the combatants?

It must have been evident, if the crime was committed, that all the persons accused were equally culpable, for it appeared they had been together the whole evening. It was evident, the father alone could not have committed it; and yet the decree of the judges condemned the father alone to perish on the wheel.

The motive of this proceeding was as inconceivable as that the crime should have been committed. The judges who were resolved in the punishment of John Calas, endeavoured to persuade the others, that the feeble old man would not be able to sustain the torments inflicted on him; and that under the hands of the executioner, he would confess his crime, and that of his accomplices. They were confounded when the old man dying on the wheel appealed to God as the witness of his innocence, and prayed that he would pardon his judges.

They were obliged to issue a second decree, which contradicted the first, and by which the mother, her son Peter, young Lavaisse, and the servant, were to be enlarged. But, being told that the one discredited the other, that they condemned themselves, that all the accused had been together during the whole time in which the murder was supposed to have been committed, they discharged the surviving prisoners, and thereby plainly proved the innocence of the father who had been executed. To preserve some appearance of consistency, they banished Peter Calas. This seems to have been as absurd as the rest of their conduct; for Peter Calas was either guilty or innocent of

the death of his brother : if he was guilty, he should have been broken on the wheel as well as his father ; if he was innocent, it was wrong to banish him. But the judges, alarmed by the unjust punishment of the old man, and affected with the tender piety with which he died, imagined they might save their honour, by inducing the world to believe they shewed mercy to the son ; as if this pretended mercy could appear otherwise than an act of prevarication ; and they believed that the banishment of this young man, who was poor and friendless, would be a matter of no consequence, and could be but a small act of injustice, in comparison with that which they had the misfortune of committing.

They began by menacing Peter Calas in his dungeon, by treating him as his father had been treated, in order to induce him to change his religion. This is what the young man has attested upon oath. His words were, “A Dominican came into my dungeon, and said I should undergo the same kind of death with my father, if I did not abjure my religion. This I attest before God. July 23, 1762.”

As Péter Calas was leaving Toulouse, he met a zealous abbé, who obliged him to return into the city. He was shut up in a convent of Dominicans, and forced to go through the several ceremonies and duties enjoined by the catholic religion. This seemed to be an equivalent to the blood of the father, and religion appeared satisfied, when it thought itself amply revenged.

The daughters were taken away from the mother and placed in a convent. This unhappy woman, who had lately pressed in her arms the breathless corpse of her eldest son, while, as it were, sprinkled with the blood of her murdered husband, saw her other son banished, was deprived of her daughters, stripped of her goods, and left alone in the world, without bread, without hope, and sinking under the weight of her miseries. Some persons who had attentively examined the circumstances of this horrible affair, were so struck with their iniquity, that they advised the widow Calas to quit the place and to demand justice at the very foot of the throne. At the time she was so reduced,

as to have but few and short intervals from fainting ; besides, being a native of England, and brought over to that part of France very young, the very thought of Paris alarmed her. She imagined, that the cruelty and barbarity which influenced the magistrates of Toulouse, must be more dreadful in those who governed the capital. At last, however, the duty of doing justice to the memory of her husband prevailed over her weakness. She arrived at Paris almost expiring under her wretchedness, and was astonished at the reception she had, and the tenderness with which she was countenanced and supported. At Paris, reason prevails over fanaticism, though it be extremely powerful ; in the province fanaticism has always prevailed over reason.

Mr. de Beaumont, a celebrated advocate of the parliament of Paris, immediately undertook her cause, and stated an opinion on it, which was signed by fifteen advocates. Mr. Loiseau, a man no less eloquent than Mr. de Beaumont, wrote a memorial in favour of the family ; and Mr. Mariette, advocate of the council, drew up a petition on the principles of law and justice, which struck the minds of all men with conviction.

Those generous defenders of innocence and of the laws, gave up to the widow all the profits arising from the several editions of their memorials, petitions, &c. Paris, and even Europe, was moved with compassion, and joined this unfortunate woman in demanding justice. Judgment was given by the public in her favour long before the decree was signed by the council.

Compassion forced its way even to the minister ; in spite of the continual torrent of affairs which often exclude it, and against the habit of seeing the unhappy, which has still a greater effect in hardening the heart. The daughters were restored to the mother ; and they were seen, dressed in crape, and bathed in tears, to draw tears from their judges.

This family had still some enemies ; for religion was involved in their case. Several persons, who are called in France devotees, said publicly, it was much better that an old calvinist, admitting that he was innocent, should be broken on the wheel, than that eight coun-

sellors of Languedoc should submit to the indignity of confessing they had been mistaken. It was the cause of the whole magistracy, which consisted of much greater numbers, and persons of greater importance, than the family of Calas, which ought to be sacrificed to the honour of magistracy. They did not consider that the honour of a judge, like that of any other man, consisted in repairing the effects of his faults. The people of France do not believe that the pope, assisted by his cardinals, is infallible: it might be imagined, that eight judges of Toulouse could never have been thought so. All disinterested and sensible men said, that the edict at Toulouse would be reprobated throughout Europe, though particular considerations might prevent its being repealed in the council.

On the 7th of March, 1763, the council of state being assembled at Versailles, the ministers assisting, and the chancellor presiding at it, M. De Crosne, master of requests, reported the affair of Calas, with the impartiality of a judge, the precision of a man perfectly informed, and with the simple and real eloquence of a senatorial orator, which alone is suitable to such an assembly. In the gallery a prodigious crowd of persons of all ranks waited with impatience the decisions of the council. In a short time a message was sent to the king, that it was the unanimous opinion of the council, the Parliament of Toulouse should send up the minutes of their proceedings, and the motive of their judgment, which had caused John Calas to be broken alive on the wheel. His majesty approved of the decree of the council.

From the 7th of March to the time in which the definitive judgment was pronounced, two years elapsed; so easy is it for fanaticism to take away the life of an innocent person, and so difficult for reason to obtain justice to his memory. Those long delays it was necessary to bear, because they were occasioned by forms. The less those forms had been observed in the condemnation of Calas, they were to be the more rigorously attended to by the council of state. It took up more than a year to compel the Parliament of Toulouse to send up the minutes of their proceedings, in order to be examined, and to be reported by

the council. M. De Crosne was entrusted with that laborious undertaking. An assembly of nearly eighty judges reversed the decree of the Parliament of Toulouse, and ordered a revisal of the whole process.

The king committed the final decision to a tribunal called *Les Requêtes de l'Hotel*. This chamber was composed of masters of requests, who sat on processes between the officers of the court, and on causes which the king referred to their determination. A tribunal could not have been fixed upon better instructed in this affair. It consisted of the same magistrates who had twice given judgment on the preliminary steps to the revision, and who were perfectly acquainted with the merits and forms of this business.

The widow of John Calas, her son, and young Lavaisse, surrendered themselves, and were put in prison; the old Catholic woman, who had been the servant of the family, and who would not quit it, at a time when it was supposed they had murdered a child and a brother: this poor creature was brought to Paris from the centre of Languedoc. The court deliberated on the same evidence which had served to condemn John Calas to the wheel, and his son Peter to exile.

It was then a new memorial appeared drawn up by the eloquent M. de Beaumont, and another by the young Lavaisse, so unjustly included in the criminal procedure by the judges of Toulouse, and whom, to complete their absurdity, they had not acquitted. That young man himself drew up a state of his case, which was deemed worthy to appear with that of M. de Beaumont. He had a double advantage in speaking for himself, and in behalf of a family in whose sufferings he had shared. He might have been set at liberty if he had only said, he would desert the family of Calas, when the father and mother were accused of having assassinated their son. He was menaced with punishment; the rack and death had been held before him; a word would have set him at large; he chose to expose himself to punishment, rather than pronounce that word, which would have been a falsehood. His detail of facts was given with a candour so noble, so simple, and so free from ostentation, that

it affected those whom it could not convince, and conferred on him a reputation which he did not seek. His father, an advocate of character, had no share in this work ; and he saw himself suddenly rivalled by his son, who had never practised at the bar.

In the mean time persons of the first consideration resorted in crowds to visit the widow Calas in prison, where her daughters were shut up with her. They were affected even to tears. Humanity and generosity were lavish of their assistance. What is called charity afforded them none. Charity, which is so often niggardly and insulting, is the virtue of devotees ; and the devotees were inimical to the family of Calas.

The day at last arrived when innocence obtained a full triumph. M. de Baquancourt having reported the procedure, and having stated the minutest circumstances of the affair, all the judges unanimously declared the family innocent ; cruelly and wrongfully condemned by the Parliament of Toulouse. They did justice to the memory of the father. They permitted the family immediately to commence actions against their judges, in order to reimburse their expenses, and obtain damages for their injuries, which the magistrates of Toulouse ought to have offered themselves.

This occasioned an universal joy in Paris ; people crowded the public squares and walks ; they ran to behold a family which had been so cruelly injured, and so ably justified ; they cheered the judges as they passed, and loaded them with benedictions. And to render the spectacle still more affecting, it was the 9th of March, the same day of the month on which John Calas perished by the most cruel punishment.

The judges of the court of requests had done complete justice to the family of Calas ; and in that they had only done their duty. There is a further duty, that of beneficence, rarely practised by tribunals, who seem to think themselves instituted merely to be equitable. The masters of the court of requests resolved to draw up a petition to his majesty, in the name of their whole body, praying he would repair, by his bounty, the ruin of the family. The letter, or petition, was written by Voltaire. The king answered it by ordering thirty-six thousand livres to be paid to the widow, who

was to give three thousand to that virtuous woman her servant, who had persisted in defending the truth, by defending her master and his family.

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### COUNTS STRUENSEE AND BRANDT, FOR HIGH-TREASON IN DENMARK, 1772.

COUNT STRUENSEE was the son of a German divine of some eminence, who, among other preferments was Professor of Theology at Halle, in Saxony. The Count was born August 5th, 1737 ; he was educated first in the celebrated Orphan House of Dr. Franke, and subsequently at the University of Halle, where he devoted his mind to physic. By what means he was first introduced to the notice of Christian VII., the king of Denmark, does not appear ; we find him in 1768 raised to the rank of physician to his majesty, and appointed to attend him during his tour through some of the courts of Europe. Struensee accordingly accompanied Christian on his travels, and while at Paris he formed an intimate friendship and connexion with a Dane of good family, Brandt, the subsequent associate of his crimes and of their punishment.

During his stay in France Struensee had insinuated himself into the good graces of the king ; and, to so high a degree of favour did he eventually rise, that soon after the king's return to Copenhagen he was raised to the rank of a privy counsellor, and was presented to the queen, the sister of our late monarch, with whom he soon became as great a favourite as with her husband. He received every day from both of them fresh and valuable marks of their consideration and regard. Brandt, who had been for some little time in disgrace, was recalled from Paris and reinstated in his office at court, through the intercession of Struensee ; and they were both shortly after, at the same time, raised to the rank of Count. Struensee was now the declared and confidential favourite of the king, and in a very short space of time was appointed prime minister, with almost unlimited political powers—an elevation sufficient to dazzle the eyes and to corrupt the heart of a man, even though

he were fortified by much stronger principles of religion and morality than those of the unfortunate count.

Meanwhile, the attachment of the queen to Struensee exceeded, in appearance at least, the bounds of all moderation ; as nothing criminal however has been proved, let nothing criminal be supposed. Of all this the king was a quiet and indifferent spectator. Christian, weakened both in mind and body by every species of excess, had sunk into a state of total apathy and imbecility. He was quite disqualified from taking any part in the management of public affairs, the administration therefore of the state devolved entirely upon the Queen, Struensee, and their adherents, who ruled without responsibility or controul.

Had Struensee confined himself to politics, he might perhaps have escaped the weight of general indignation which at last overwhelmed him. His abilities were commanding, his powers of application great, his views enlarged, his resolutions were both rapidly taken and decisively carried into effect. Many of his public measures were calculated to improve and to aggrandize the state. Yet even in this department he exposed himself to much unpopularity by measures equally odious and unadvised ; and by none more than by banishing from court Count Bernstorff, an old and favourite minister of the crown, a man of the most unimpeached integrity and character.\*

Masked balls and other kinds of foreign amusements especially calculated to foster profligacy and intrigue, were introduced for the first time at the Danish court. Of all these amusements Struensee was the indefatigable leader and the devoted partaker ; and he unfortunately found but too many of the Danish nobility, who either in the spirit of adulation, or from the love of indulgence, became his associates. In most capitals these scenes of dissipation and vice would have had a most injurious effect upon the general morality

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\* Count Bernstorff had been minister of state in Denmark since the year 1750. Struensee got this great and beloved minister dismissed, by a letter of the king's, dated September the 15th, 1770, with a pension of 6000 crowns ; he retired to Hamburg, where he died the 18th of February, 1772.

of the country, and would gradually have corrupted the middling and lower orders by a descending contagion.

While Struensee was lulled by the indulgence of his passions into a fatal security, his enemies were active in preparing for his destruction. The Queen Dowager and her son were at the head of the hostile party, but from their general want of political talent, they created little apprehension. They were joined by some of the ancient nobility, who were indignant at seeing the Danish monarchy under the command of a foreigner, to the exclusion of themselves and others who had juster claims to public rank and authority. In one plan to seize the persons of the queen and the count, they were disconcerted, but shortly after a more favourable opportunity presented itself. They had already gained over to their party a sufficient number of the soldiery, with whom Struensee was no favourite, and all other circumstances were arranged with admirable dexterity for the execution of their purpose.

Accordingly, at the conclusion of a masked ball which was given at the Royal Palace, on the 15th of January, 1772, Koller Banner, after the whole party had retired, and all was quiet, entered the bedchamber of Christian, and informed him that there was a conspiracy against his person and dignity, at the head of which were his wife, Count Struensee, and their associates. He urged the king to sign an order for their immediate arrest. Christian however at first, whether from affection for the count, or from that obstinacy which is the natural consequence of imbecility, steadily refused. The Queen Dowager and Prince Frederick were then called in to enforce the requisition, and at last, by means of absolute threats, they obtained his reluctant signature. Not a moment was lost: Koller Banner made his way instantly to the chamber of Struensee, forced open the door, and found him asleep in his bed. The count made no resistance to the order, but suffered himself to be quietly conveyed in a coach to the citadel. Count Brandt, having made some shew of resistance, was at last forced to surrender himself, and was lodged in the

same prison ; their adherents also shared a similar fate.

Early the next morning the queen was hurried away to Cronsburg, a fortress about twenty-four miles from Copenhagen, in which she was some time confined. It is an extraordinary fact, that had Struensee gone to his apartments before the ball, he would there have found Count Rantzau, who was prepared to acquaint him with the whole conspiracy, which would have enabled him not only to have extricated himself from the danger by which he was surrounded, but to have revenged himself on its authors ; circumstances however were otherwise ordered ; contrary to his usual custom he did not go to his apartments, but having been detained until very late by business, he went straight to the ball, where the conspirators, who had discovered Count Rantzau's treacherous design, prevented their meeting.

Struensee at his first examination before the commissioners, was shewn the instruments of torture, which were brought into the room on purpose to intimidate him ; we do not find, however, that either he or Brandt were put to the question. They both underwent frequent and long examinations, and were once confronted. Upon that trying occasion they both behaved with dignity and resolution ; they neither accused nor blamed each other, nor lamented their situation. It is said the whole number of questions proposed to Struensee, in the course of his examinations, amounted to six hundred and thirty-seven. It is also said that he and Colonel Falkenschioeld were confronted at one of these examinations, and that the latter having made very heavy charges upon him in his evidence, Struensee replied, that he would willingly submit to all those accusations, provided his doing so could be of service to the colonel. If this circumstance be true, it is far from indicating a heart totally depraved and abandoned.

After more than two months' examination the grand commission at length passed sentence of death, forfeiture of estate, and degradation from their rank, upon the two counts, Struensee and Brandt.

On Saturday the 25th of April, the Committee of

Enquiry proceeded to pass sentence against John Frederick Struensee, and Enevold Brandt, which was accordingly presented to the privy council without his majesty's attendance. In the afternoon the Privy Council met again; in the evening, towards seven o'clock, the king arrived from Charlottenburg, and presided at the council board, when, after confirming the sentence, he went directly to the Italian Opera.

Same day at twelve at noon both the prisoners were acquainted, by their counsellors, with their sentences. Struensee received and read his with extraordinary composure, which naturally astonished all those present; to whom he observed, they ought, as he did, to impute it to his constant apprehensions, and his long preparations for his unhappy fate. His uneasiness appeared much greater when he found Brandt's sentence equal to his own. Brandt also seemed tolerably resigned on hearing his sentence.

Struensee's sentence took up five sheets of paper; among the charges therein contained against him were, his having assumed too great a power to himself; his injuring the king's treasure of more than sixteen tons of gold; his forging (or falsifying) a draught; his discharging the guards; the suspicious arrangements he had been ordering within the walls of the city, &c.

Brandt's sentence expressly says, that, on account of his designs agitated immediately against the sacred person of his majesty, the exceptions he made could not be admitted, and he was therefore declared guilty, and condemned. Towards the conclusion of their sentence is added, in virtue of the Danish Law Book, b. vi. c. 4. art. 1. "That both count John Frederick Struensee and count Enevold Brandt, having made themselves guilty, and, as an example to others, stand justly condemned to forfeit their honour, lives, and property, and are entirely degraded from the dignities belonging to their titles of earls, their earls' coat of arms to be broken by the hands of the common hangman. This being done their right hands shall be cut off; next their heads; then shall their bodies be quartered, and laid upon the wheel, and their heads and hands fixed upon iron spikes."

The aforesaid dead warrants were executed the 28th

of April, in a field before the eastern gate. A scaffold was erected nine yards in height, and eight yards square, whither both the prisoners were carried in hackney coaches ; in the first went the Attorney-General and some attendants. Brandt appeared first on the scaffold ; he had on a gold-laced hat, a green suit of clothes, with gold binding, and boots. He spoke for some little time to the clergyman, Mr. Hee, after which the sentence was read and executed ; his head was several times exposed to the view of an immense crowd of spectators. Next appeared Struensee on the scaffold, accompanied by Dr. Munter, having his hat in his hand, and dressed in a blue superfine suit ; he spoke to Dr. Munter, and, when done, his sentence was executed in every shape like the foregoing one ; their corpses were carried to the usual place of execution to be there exposed. Struensee behaved very penitently ; but this can not be said of Brandt, for his whole conduct was remarkably bold. Several files of soldiers and sailors guarded the scaffold, and the town guards were also reinforced. Though immense numbers were, for want of room, disappointed of seeing this execution, and all seeming, for a while, in a violent ferment, yet the whole went off undisturbed and quietly.

After Count Struensee had been in close confinement for nearly six weeks, the government of the country well knowing the fate which must ultimately await him, and desirous to afford him an opportunity of changing his infidel opinions before he should be called out of the world, appointed Dr. Munter, the minister of a German church, in Copenhagen, to visit him in prison, and to administer such spiritual advice and consolation as might best be adapted to the count's unhappy situation. The following is extracted from Dr. Munter's Narrative.

" We afterwards," says Dr. Munter, " consulted and settled how we should act to-morrow, it being the day when he was to die. I promised to be with him some hours before he went to the scaffold ; for, according to the king's order, I durst not go along with him to the place of execution ; I was to go before him, and to receive him there.

" He desired me to carry on our conversation tomorrow, as composedly and as coolly as hitherto. He wished that we might finish what we had to do on the scaffold as quick as possible, and that I might keep up my spirits, that he might not see me suffer. As for himself he should say nothing there but what he thought absolutely necessary; for he would direct his thoughts entirely towards God, and that eternity he was to enter into.

" I do not choose, said he, to see my brother and to take leave of him, on account of the tenderness of our situation. I beg therefore of you to do it in my name. I entreat his pardon for drawing him with me into misfortunes, but I hope and am certain that his affairs will turn out well. I assure him of my leaving this world with true brotherly affection for him. Tell him likewise of the sentiments in which I die, and how you find me.

" According to the account of the officer who had the watch that night, the count, who now was certainly no more an unhappy man, had been reading a good while the preceding evening, and went to bed pretty early. He had slept for five or six hours together very soundly. When he awoke in the morning he had spent a good while in deep meditation. He then got up, dressed himself, and conversed with the officer very composedly.

" I found him lying on a couch, dressed as he intended to go to the place of execution. He was reading Shlegel's Sermons on the Sufferings of Christ, and received me with his usual serene and composed countenance.

" Now the door of the prison opened, for which the count himself never, but I very often, had looked with a fearful expectation.—An officer came in, and desired me, if I pleased, to step into the coach, and to go before the count to the place of execution. I was much moved and affected. The count, as if it did not concern him in the least, comforted me by saying:—

" Make yourself easy, my dear friend, by considering the happiness I am going to enter into, and with the consciousness that God has made you a means of procuring it for me.

" He being soon called, got up from his couch, and followed those which were to conduct him. Coming out of the prison and getting into the coach, he bowed to those that were standing around. Upon the way to the place of execution he partly spoke to the officer who was with him in the coach, partly sat in deep meditation.

" As soon as both the condemned were arrived in their respective coaches near the scaffold, and Count Brandt had mounted it first, I got into the coach of Struensee, and ordered the coachman to turn about, to prevent his having the prospect of the scaffold.

" Though I could not see the scaffold, yet I guessed, from the motion of the spectators, that it was Struensee's turn to mount it. I endeavoured to prepare him for it by a short prayer, and within a few moments we were called. He passed with decency and humbleness through the spectators, and bowed to some of them. With some difficulty he mounted the stairs.

" I observe here that he shewed not the least affection in his conduct upon the scaffold : I found him to be one who knew that he was to die, on account of his crimes, by the hands of the executioner. He was pale, it was difficult for him to speak, the fear of death was visible in his whole countenance ; but, at the same time, submission, calmness, and hope, were expressed in his air and deportment.

" His sentence, and afterwards the king's confirmation of it were read to him ; his coat of arms was publicly shewn and broken to pieces. During the time that his chains were taking off, I put the following questions to him : are you truly sorry for all those actions by which you have offended God and men ?

" You know my late sentiments on this point, and I assure you they are this very moment still the same.

" Do you trust in the redemption of Christ, as the only ground of your being pardoned before God ?

" I know no other means of receiving God's mercy, and I trust in this alone.

" Do you leave this world without hatred or malice against any person whatever ?

" I hope nobody hates me personally ; and as for the rest you know my sentiments on this head, they are the same as I told you just before.

" I then laid my hand upon his head, saying, then go in peace whither God calls you ! his grace be with you !

" He then began to undress, and inquired of the executioners how far he was to uncover himself, and desired them to assist him. He then hastened towards the block, that was stained and still reeking with the blood of his friend, laid himself quickly down, and endeavoured to fit his neck and chin properly into it. When his hand was cut off his whole body fell into convulsions. The very moment when the executioner lifted up the axe to cut off his hand, I began to pronounce slowly the words ; ' Remember Jesus Christ crucified, who died, but is risen again.' Before I had finished these words both hand and head, severed from the body, lay at my feet.

" Queen Matilda was not brought to trial owing to the influence of her brother, George the Third, but was banished, and kept a close prisoner in the castle of Zell, where she died soon after of a broken heart.

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### JAMES BOLLAND,

#### FOR FORGERY.

JAMES BOLLAND was born in the borough of Southwark. His father followed the profession of a butcher, and brought his son up to the same trade. After the death of his father, he married a young woman possessed of about three hundred pounds, and set up for himself in the Borough, where for some time he lived in reputation : but his natural propensity to pleasure and dissipation led him into such extravagancies as soon brought his affairs into a very embarrassed state, and he was obliged to have recourse to many expedients to support his credit. Amongst others, fame was pretty industrious in propagating, that, being butcher to St. Thomas's Hospital, he defrauded that charity of a very considerable sum, by having a wooden weight, which in appearance resembled a leaden one of 56lb. though it weighed no more than 7lb. His journeyman, observing this and several deceptions, thought he might retaliate upon his master, by de-

frauding him of cash; which being discovered by his nephew, who was his apprentice, Bolland upbraided his man; who to be revenged of the informer, took an opportunity of seizing the boy in his sleep, and hanging him to a staple, in which situation he was found dead one morning. Bolland was generally thought to have been an accessory to this murder; but he declared to the ordinary, just before he was turned off, on being questioned relative to this affair, "that, to screen his servant, who had been privy to his own acts of injustice, he had a coroner's jury to sit upon the body of the boy, who, from the circumstances that were laid before them, brought in their verdict lunacy, and he had the body privately buried; that he blamed himself for conniving at the affair, but was no way privy to or concerned in it." The difficulties that surrounded him, and his ill usage, so affected his wife, that she fell a sacrifice to grief and despair.

He now commenced sheriff's officer for the county of Surrey; but judging that the same station in Middlesex would be more to his advantage, he entered upon that office on this side of the water. It was in this capacity that he played so many pranks as to have made his name conspicuous in the annals of infamy. Amongst others, having in his custody an eminent trader, whose affairs were much embarrassed, and finding that this person had a very amiable niece, who was then at a boarding-school a few miles out of town, he proposed to his prisoner to obtain bail for him, and procure his liberty, on condition that he placed the young lady, to whom he was guardian, in Bolland's hands. The unnatural uncle consented, and the unfortunate young lady was sacrificed to obtain her guardian's liberty. It is true, Bolland afterwards married her, which is mentioned as the only act of justice ever heard ascribed to him.

He was soon after lodged in the Fleet, upon an action for debt, arising from malversation in the capacity of sheriff's officer, where he remained till an act of insolvency took place.

Being released from his confinement, in which he had greatly improved his knowledge in the most extensive plan of chicane, he immediately put in practice

what he had so deeply studied in theory. He had at his nod a number of indigent tradesmen, who, being his prisoners out upon parole, were compelled to do all his dirty work, in negotiating bills and bailing at command. This practice soon brought many of them to prison, others were dispatched into different parts of the country, to execute orders upon the credit of those in town, and consign the goods to his house, then in Shire-Lane. Young fellows of a comely appearance, who fell into his clutches, obtained a temporary liberty, an elegant house, and an equipage, in order to defraud credulous tradesmen ; and by increasing his stock of furniture and plate, they increased their debts to such a pitch, that they became incapable ever after to extricate themselves. Several of these adventurers, who were flattered with the prospect, by our worthy hero, of making their fortunes by marriage, starved in the King's-bench, the Fleet, and even in Newgate.

Presently after he commenced sheriff's officer for the county of Middlesex, he displayed his genius for chicane in a very extraordinary manner. One Wilkinson, who kept a public house in the Strand, and was at that time in good circumstances, going into the north for a short time, to visit his relations, Bolland trumped up an imaginary debt against him, and, in consequence of a fictitious bond and judgment, directed his myrmidons to enter his house and seize upon all his effects ; and when Wilkinson returned to town, he found himself not only dispossessed of his house, but these excrescences of the law in possession of all his property, and even his wife. In vain Wilkinson had recourse to the law : they parried him with every possible subterfuge, and, having thus harassed him, compelled him to take refuge abroad, in order to qualify himself for the benefit of the insolvent act. This was the person to whom Bolland addressed himself when he had just got into the cart, coming out of Newgate, when he intreated Wilkinson's mercy and forgiveness.

The forgery of which he was convicted is not the only fact for which he might have suffered capitally, had not felony been compounded. Being some time since at a fair in Oxfordshire, he saw a horse that he

thought would suit his purpose, and accordingly bid money for it; but the farmer, who was the proprietor of it, and Bolland could not agree about the price. However, the inn-keeper where it stood, having heard the transaction, Bolland came to him the next morning, and informed him that he and the farmer had agreed, and, after having it saddled, mounted it, and rode to town. The farmer coming for his horse, was informed that Mr. Bolland, the purchaser, had gone off with it to town, and hearing that Jemmy was a man of property, judged that his money was safe. Accordingly, when the farmer came to town, he called upon Bolland in Shire Lane, and requested the sum proposed for the horse; but Bolland, with his usual effrontery, laughed at him, asking him if he took him for a horse-stealer. This nettled the farmer, who took out a warrant against Bolland for horse-stealing; and, after an examination before justice Fielding, Bolland was committed for the fact to Tothill-fields bridewell. Here he found means to persuade the farmer it was only a joke; at least the farmer, glad to receive double the value of the horse, declined any farther prosecuting him.

Upon the demise of Mr. Mendez, the Jew broker, in Bow Street, Bolland was acquainted with a lady that this son of Israel supported, at the same time that he entertained another female in his own house. This acquaintance of Bolland thinking that she had a right to supersede her rival in the possession of her late lover's effects, proposed to Bolland to eject her, which he did very concisely; for his myrmidons broke in at the window, and carried off all the goods upon the premises, in despite of the fair inmate. This stroke is said to have been for the time worth 1500*l.* to Bolland. But a certain justice in the neighbourhood, hearing of the transaction, took cognizance of it; and, at the time of his apprehension for forgery, it was amongst the number of prosecutions hovering round him.

We need not be surprised at Mr. Bolland's perseverance in these knavish pursuits, as he did not even lay claim to any probity; for whenever his integrity was called in question by any of his employers, he would reply with great coolness, Look ye, sir, you

know I do not pretend to be honest—but, by G—d, I'll never tell you a lie. Another sentiment of this extraordinary man should not be omitted, as it carries with it an appearance of being prophetic ; whenever he was asked for a toast in company, the first he always gave was, “ May hemp bind those whom honour won't.” We well know, from all his transactions, how little honour bound him ; we also know that at last hemp bound him fast.

We now approach the period when he had nearly appeared in a very conspicuous point of light as a city officer. He had, by some means, collected a sum sufficient to purchase the place of city marshal, and actually had paid the money into the office of chamberlain of the city. But his general scandalous character being reported to the court of aldermen, they interfered ; and he was informed, that unless he withdrew his money, upon the very first complaint of his ill behaviour, he would not only lose his place, but the purchase money. This hint was not thrown away upon Bolland, and he accordingly agreed to recede from his pretensions to this place ; but before he had time to withdraw his money, his creditors attached the sum of 2400*l.* in the chamberlain's office : thus his false ambition cost him nearly all his property.

On Wednesday, February 19, 1772, his trial came on. He was indicted for feloniously forging and counterfeiting on the back of a promissory note for payment of money, drawn by one Thomas Bradshaw, and indorsed by one Samuel Pritchard, a certain indorsement in the name of James Banks, with intent to defraud Francis Lewis Cardineaux, against the statute. He also stood charged with uttering and publishing, as true, on the back of the said promissory note, the said false and forged indorsement in the name of James Banks, knowing the same to be false and counterfeit.

Mr. *Levi* was examined ; and it appeared that he had been informed concerning the note by Mr. Pritchard ; that he received it from Mr. Morris, in the presence of Mr. Cardineaux ; and that, knowing it to be a forgery, his intention in getting possession of it was to prosecute Bolland. It also appeared, that Cardineaux and Morris went with him to Hickes's-hall,

to find a bill of indictment for this forgery ; that it was adjournment day ; and that the jury, not sitting long enough, were gone. That then Cardineaux appointed Levi to meet him at sir John Fielding's ; where, at Cardineaux's request, Jesson's evidence was taken. Informations were then drawn, and the note was lodged with sir John's clerk.

The evidence of Jesson was to the following purpose.

" — *Jesson.* I had some business with one Mr. Lilburne, who appointed me to meet him at the George and Vulture tavern, Cornhill, on the 13th or 14th of October. I went about three o'clock ; I was shewn into a public room ; Mr. Lilburne and Mr. Bolland were there. I immediately asked Mr. Bolland when he would settle a note of fifty guineas of his, which I had discounted, which was due, and laid unpaid, as the person that held it was very desirous to settle it. He produced this note, and desired me to discount it, as he was out of cash. I read it ; I knew Bradshaw, being a neighbour ; and I knew Pritchard. The 50*l.* note I had discounted, was on Pritchard. This note was indorsed James Bolland. I told him that his name being on the back of it, I could not, or would not negotiate it. I said I looked on Bradshaw to be good ; but did not chuse to be on the same paper with Mr. Bolland's name, or to offer it indeed ; and, I believe, I threw it down upon the table. Upon that, he said, I can take off my name ; and Mr. Lilburne took up one of the table knives, with intention to erase all the name, I believe, when he had erased all but the B, (for he began at the latter end of the name) Bolland said, Don't scratch it all out for it may disfigure it, or cancel it, by scratching a hole in it. He said he would think of some other name that begins with a B ; and immediately filled it up with anks, which made the name of Banks ; and when that was done, returned it to me. I did not like the transaction, it rather staggered me : but looking on Bradshaw to be a very good man, and Pritchard bore a very good character, as far as I could find, I thought I might as well take this security ; it might be a means of getting the other matter settled ; therefore I put it in my pocket. The next day I asked Mr. Cardineaux to discount me a note of Mr. Bradshaw's, of Charles Street,

Covent Garden ; he was a customer of Mr. Cardineaux's. He said he would take it, and would probably do it on Friday, which is the day he did his business at his banker's. I left the bill with Mr. Cardineaux ; and next day, having some money to make up, I asked Cardineaux to let me have 15*l.* 16*s.* and, if he did not discount the bill, I would return it to him. He gave me in consequence a draught upon his banker for that sum. A day or two after, Mr. Bolland came up to my office (I keep a lottery-office under the piazza, Covent Garden) to enquire whether I had done the business or no. I told him, I had left the bill in the hands of Mr. Cardineaux, and he might enquire who Cardineaux was, as I could not go into the city then. I understood Mr. Bolland, that he saw Cardineaux : however, in the evening, Mr. Handsforth came in and told me Mr. Bolland desired to see me in the piazzas. I went out ; he insisted upon having the bill or money ; for he was greatly pushed for money, and must and would have it immediately. I believe he told me that he had seen Mr. Cardineaux in the city, and he would call upon me. I told him, if he would go to any public-house in the neighbourhood, I would come to him. Upon that, he and Mr. Handsforth went to the Rainbow-coffee-house, in Queen Street, to wait for me. I sent down one of my clerks to Mr. Cardineaux, and he came up to the office soon after. I told him, that the person I had the note of was gone to the coffee-house ; and was anxious to have it settled. We went together to the Rainbow coffee-house ; we went into a back room. I told Mr. Cardineaux, That is Mr. Bolland, the owner of the bill of Mr. Bradshaw's, that I left in your hands ; and I should be glad if you will settle it with him. Mr. Cardineaux said, he had never a banker's check in his pocket, and did not like to give a draught upon plain paper. He began to ask who Mr. Pritchard and who Mr. Banks were. While Mr. Bolland was satisfying him who Pritchard was, I told Mr. Cardineaux, that, rather than have the trouble of another meeting, I would go home and fetch him a check. Mr. Cardineaux gave me his keys, and I went down to his house in Craven-buildings, Drury Lane. I delivered the keys to Mrs. Cardineaux, and she gave me a banker's check. On my coming back, I found Mr. Bolland

had satisfied Mr. Cardineaux concerning Banks and Pritchard ; and he produced another bill for 10*l.* which Mr. Cardineaux had agreed to discount for him.

When Mr. Cardineaux observed by the papers that Bradshaw was a bankrupt, he told Jesson to take care of the 100*l.* note of Bolland ; as his banker would certainly return it to him ; it being unusual to keep a note after a man is a bankrupt. Jesson took therefore an opportunity to see Bolland, and told him that the note would not be paid, as Bradshaw was a bankrupt. Bolland affected surprise, and asked, What note are you talking of ? Bradshaw's note, answered Jesson, which is payable to Pritchard.

Is my name upon it, said Bolland. No, replied Jesson, but Banks's name is now upon it, and you must stand for it. Bolland declared he knew nothing of the matter ; and, when Jesson threatened to inform Mr. Cardineaux of the transaction, he said he would forgive him all he could do on that account.

Mr. Cardineaux, some time after, having occasion to do business at the Hamburg coffee-house, saw Bolland there, and told him that the bill he had discounted for him would not be paid. Bolland said, with an air of astonishment, What bill ? Mr. Cardineaux replied, The bill I discounted for you. I never discounted a bill with you, sir, (said Bolland) you mistake me ; my name is James Bolland : I never saw you in my life, nor have you a bill with my indorsement.

After Bolland was taken, a person brought to Mr. Cardineaux the 100*l.* in the name of James Banks ; and Mr. Cardineaux gave his receipt for it in that name.

Bolland, in his own defence, said, I never in my life forged with an intent to cheat or defraud any person in the world. Please to ask Mr. Cardineaux, when he applied to me, if I did not desire him to prove his debt under Bradshaw's commission, and I would make good the deficiency ; so I could have no design to cheat. There were two 100*l.* notes to Pritchard ; one he took back ; I gave him a draft upon Sir Robert Ladroke the 14th day of the month, but made the date of the draft the 17th ; and five guineas his clerk had in money ; that 100*l.* was for my note, and no other general concern

in Pritchard's account ; it was Jesson's fault, not mine. I was good for 100l. then, my name was good for 100l. or four, or five ; I had 2000l. at this time, in Sir Robert Ladbroke's hands, and Pritchard owed me 1900l. at this time, and Mr. Cardineaux has been paid the money. Every body knew, I believe the gentlemen of the Jury know, that at that time Mr. Pritchard's name was good, without the name of Banks. I wish it had been so now ; I must leave the rest to my counsel ; I don't understand the case.

The jury found the prisoner guilty of uttering and publishing the bill, knowing the indorsement to be forged.

After Bolland was condemned, he engaged several writers to defend him in the public papers ; but they produced declamation instead of argument. A petition was presented to the queen in his behalf, and the members of both houses of parliament received petitions from the hands of his disconsolate wife, some days before he suffered. The effect of these addresses occasioned the recorder to be sent for to St. James's, and it was not till the evening before his execution that it was finally determined he should suffer. He was executed at Tyburn, Wednesday, March 18th, 1772.

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WILLIAM HENRY, DUKE OF CUMBERLAND,  
FOR ADULTERY WITH LADY GROSVENOR,  
March, 1770.

ALTHOUGH we have forborene to introduce trials of this nature, yet as the parties were so distinguished, and the affair has never ceased to create a great public interest, this work would be incomplete without the present article. We have nevertheless forborene to introduce any subject which might offend any sense of decency.

The duke of Cumberland was the youngest surviving brother of George III. and at the time of this intrigue was in his twenty-fourth year ; lady Grosvenor was about the same age, and had been married about five years to Richard, lord Grosvenor, and in the interim had had two sons, one of whom was subsequently the earl Grosvenor. She was a lady of

pre-eminent beauty, daughter of Henry Vernon, Esq. and his lordship had fallen in love with her at an accidental meeting in Kensington Gardens.

Numerous witnesses were examined, and the first was lady D'Onhoff, who proved the recent meetings of the duke and her ladyship, and determined the following letters, which were adduced in evidence, to be in the hand-writing of the duke of Cumberland.

" My ever dearest Love,

" How sorry I am that I am deprived the pleasure of seeing this evening but especially as you are in pain God grant it over upon my knees I beg it although it may go off for a few days it must return, and then you will be easy, my only joy will be happy ; how shall I thank for your very kind note, your tender manner of expressing yourself, calling me your dear friend, and at this time that you should recollect me. I wish I dare lye all the while by your bed, and nurse you—for you will have nobody near you that loved you as I do ; thou dearest angel of my soul ! O, that I could but bare your pain for you I should be happy, what grieves me most that they who ought to feel don't know inestimable prize the treasure they have in you—thank God if it should happen now, Mr. Croper is out of town, and you may be quiet for a few days,—I shall go out of town to-night, but shall stay just for an answer, pray, if you can just write me word how you find yourself, I shall be in town by eight to-morrow evening in hopes of hearing again, I am sure my angel is not in greater pain than what my heart feels for my adorable angel—I sent this by D—— servant, she is gone to Ranelagh, do if you write, direct it to her, the boy has my orders, and will bring it to me—Adieu, God bless you, and I hope before morning your dear little one."

*Directed to "Lady Grovesnor."*

" My dear little Angel,

" I am this instant going out of town, ten thousand thanks for your kind note, I am sure nothing could make my aking heart to-night bearable to me, than when you say you are sensible how much I love you, pray God it may be over before morning, or that you may be better, I shall be in town at eight o'clock, for I shall long to know how you are, don't mention to D. that I wrote by her servant to you, for I have ordered him not to tell—Adieu, good night, God bless the angel of my soul, joy, and happiness, without whom I have no comfort, and with whom all happiness alive *au revoir* I hope very very soon.

*Directed to "Lady Grovesnor."*

" My dear little Angel,

" I wrote my last letter to you yesterday at eleven o'clock, just when we sailed, I dined at two o'clock, and as for the afternoon I had some music, I have my own servant on board that plays, and a couple of hands from London for the six weeks I am out—We were a good many at dinner, I had about nine people yester-

day, and shall have more when the rest of my squadron joins me, they staid with me till near seven—I got to supper about nine o'clock but I could not eat, and so got to bed about ten—I then prayed for you my dearest love, kissed your *dearest little hair* and laye down and dreamt of you, had you on the dear little couch ten thousand times, in my arms kissing you, and telling you how much I loved and adored you and you seemed pleased, but alas! when I woke I found it all delusion, no body by me but myself at sea, I rose by time at half past five and went upon deck, there I found my friend Billy, and walked with him for about an hour, till Barrington came to me, we then breakfasted about eight o'clock, and by nine I began and exercised the ships under my command till twelve, it is now one, and when I finish this letter to you my dearest love, I shall dress and go to dinner at two o'clock, it is a rule on board to dine at two, breakfast at eight, and sup at nine—always, if nothing hinders me, I shall be a bed by ten or soon after, and up by half past five in the morning, in order to have, if there is any occasion, orders ready for the fleet under my command before I begin to exercise them—I am sure the account of this day's duty can be no pleasure to you my love, yet it is exactly what I have done, and as I promised you always to let you know my motions and thoughts, I have now performed my promise this day to you, and always will, until the very last letter you shall have from me, which will be when I between five and six weeks hence send the Admiralty word that I am arrived at Spithead, then I shall only wait just for their answer which will be with me in a few hours, to strike my flag, and then I shall return to you that instant. O! my love, mad, and happy beyond myself, to tell you how I love you and have thought of you ever since I have been separated from you, the wind being contrary to-day, about one, I put off dinner till three o'clock, in order to anchor ships for this night, in Portland Road, just off Weymouth, about two miles, I hope to sail to-morrow by five o'clock in the morning, I hope you are well, I am sure I need not tell you I have had nothing in my thoughts but your dear self, and long for the time to come back again to you, I will all the while take care of myself because you desire my dear little friend, does the angel of my heart, pray do you take care of yourself, for the sake of your faithful servant, who lives but to love you, to adore you, and to bless the moment that has made you generous enough to own it to him. I hope my dear, nay, I will dare to say you never will have reason to repent it, the wind was not so contrary but we could have sailed on, but I told Barrington, that as it was not fair I would anchor, especially as I could send one of my frigates in, for that I had dispatches of consequence to send to London; indeed my dear angel I need not tell you, I know you read the reason too well that made me do so, it was to write to you, for God knows I wrote to no one else, nor shall I to any other but the king. God bless you, most amiable and dearest little creature living—*Amons toujours mon adorable petite amour je vous adore plus que la vie meme.*

"I have been reading for about an hour this morning in Prior, and find these few lines just now applicable to us—

" Now oft had Henry changed his sly disguise,  
 Unmarked by all but beauteous Harriet's eyes ;  
 Oft had found means alone to see the dame,  
 And at her feet to breath his am'rous flame ;  
 And oft the pangs of absence to remove  
 By letters, soft interpreters of love,  
 Till time and industry (the mighty two  
 That bring our wishes nearer to our view)  
 Made him perceive that the inclining fair  
 Received his vows with no reluctant ear ;  
 That Venus had confirmed her equal reign,  
 And dealt to Harriet's heart a share of Henry's pain.

" Such is my amusement to read those sorts of things that puts me in mind of our mutual feelings and situations ; now God bless you till I shall again have an opportunity of sending to you. I shall write to you a letter a day, as many days as you miss herein of me, when I do they shall all come Friday, sixteenth of June, God bless, I shant forget you, God knows you have told me so before, I have your heart and it lies warm in my breast, I hope mine feels as easy to you, thou joy of my life, adieu.

*Directed to "Lady Grovesnor."*

" Portland Road, Saturday, 17th June.

" My ever dearest little Angel,

" The wind to day is not fair, so I shall lay here in Portland Road till it is, and take this precious moment in sending this other note to you, I hope it will find you well, and that you are not afraid of being gone out of town before I return back to you, thou loveliest dearest soul ! I have been reading since my last note of yesterday to you a great deal out of Prior, keeping the heroine, bye till I have read quite through, and find many things in it to correspond with us exactly,

" Hear, solemn Jove ; and conscious Venus, hear ;  
 And thou, bright maid, believe me, whilst I swear,  
 No time, no change, no future flame, shall move  
 The well-plac'd basis of my lasting love.

" Do not think I wanted this book with me to tell me how well I loved you, you know the very feelings of my heart, yet it is great pleasure when I am reading to find such passages that coincide so much with my own ideas of dear you, I will write constantly, it is my only entertainment that and hearing from you, will be, except my duty on board, the only thought or employment I shall have or even wish, I have just now had a message from shore, it is about two miles from Weymouth, to go to the rooms this morning, I have excused myself being much quieter on board and happier in writing to you, you are not there, or else the boat that should carry me would go too slow, I long for that happy moment that brings me back again to all I love and to all that I adore—indeed I am sorry my letters are so stupid, pray write to me, you know whether to send them, to send them to D— or to Mrs. Reda,—I long to hear from you, it is now within two days of a fortnight, indeed it seems forty thousand years, how happy when we meet, that our letters has opened to each

other the very feelings of our honest hearts, permit me to name yours with mine, then they will be words and happy looks from two of the most sincere friends alive, your heart is well although fluttered while I write to you, I hope mine is flurried too, they ought to have the same emotions, I know they have, they are above dissembling, I must now conclude, God bless you, I send you ten thousand kisses, pray when you receive this return them to me for I want them sadly.

*“Adieu je vous aime adorable petite creature je vous adore ma chere petite bejoux l’amant de mon coeur—\**

“God bless I will write constantly.”

*Directed to “Lady Grovesnor.”*

Different innkeepers were then examined, who proved that the duke and lady Grosvenor had travelled and slept together as man and wife at their houses. The duke always appearing in disguise, in a dark brown wig drawn over his forehead, with his hat pulled over his face, and in a dark brown great coat. Besides meeting her in many places in London, he followed her to Eaton Hall, near Chester, where he lived incog. at the public-houses in the vicinity, meeting her ladyship in the fields. This part of the evidence is curious.

*Mary Jones*, wife of John Jones, of Marford Hill, in the county of Flint, innholder, aged forty-six years, deposed that she and her husband, John Jones, keep an inn, known by the name of the Toll House, at Marford Hill, in the county of Flint, about six miles and a half from Chester: that she had no knowledge of Lord Grovesnor or Lady Grovesnor; but had seen them both; and that, on Wednesday, to the best of her knowledge, the 1st day of November, 1769, three persons came to her house at Marford Hill, on horseback, with bags, about eleven o'clock in the morning; they all had great coats on, and the saddle-bags were quite new, and one of them, whom she afterwards knew to be the Duke of Cumberland, had a lightish drab coat on, and a blue-and-white flannel waistcoat, and a brownish wig, which came low over his ears, and down upon his forehead, with a handkerchief round his neck; another of the said persons went by the name of Farmer Tush; and the third, who attended as their servant, went by the name of John. His Highness was called the young squire, and Farmer Tush passed as his guardian; they refreshed themselves with wine, and bread and butter, and rode out the same morning; they inquired also if they could have good beds? They returned about seven o'clock in the evening, and supped and slept in her house; the next morning, after breakfast, they rode out, ordering dinner to be ready at five o'clock: about three o'clock the said man John returned, and told her, she must hasten din-

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\* Another of these royal epistles is quoted at length by Mr. Hackman, at page 26 of the next volume.

ner as soon as she could, for they talked of going away; and when the Duke of Cumberland, and Farmer Tush, whom she afterwards saw at his Royal Highness's house in Pall Mall, came in, Farmer Tush told her, that they must go off immediately, for they had received a letter that the young squire's father, meaning his Royal Highness, lay a dying, and they feared he would be dead before they could get to him; but he said, that they liked the place vastly, and would come again in a month's time, or sooner, if possible, when his affairs were settled. They had five hats, one of which was laced, and four different riding coats: and the said persons with his Highness changed hats, sometimes one wearing the laced hat, and sometimes the other: it was reported in the neighbourhood, that they were suspected to be highwaymen, and the witness thought so then; they talked about farming but they knew nothing about the matter. The witness had seen the Duke of Cumberland afterwards in London; and, from the features of his face, and a mark that he had on the right side of his face, which she observed when he was at her house, she was certain that the person who came to her house, so disguised, with the other two persons, was his Royal Highness.

The said three persons left two sticks to be taken care of, and the two plain hats were also left by mistake behind them: and on Thursday, the 30th of November following, the person who went by the name of Farmer Tush, and the man called John, came in the evening about dusk, each of them having a led horse in his hand, and both dressed in the same way as when they came before; and they laid all night at her said house: and she inquired of Farmer Tush, where the young squire was, meaning the Duke of Cumberland, and he told her they had left him with another gentleman, a long way off: they said, he might come that night, but they did not know whether he would or not, as they had left him far behind: the next day in the afternoon, Farmer Tush appeared very uneasy that his highness did not come, and every person that came to the house he thought was him, About eight or nine o'clock the next morning, being Saturday, his Royal Highness arrived in a post chaise with a gentleman, and brought some saddle-bags with them, and his Highness was dressed in the same manner as when he was at her house before: after they had breakfasted his Royal Highness and Farmer Tush walked out, and did not return till about five o'clock in the afternoon: on Sunday morning they both went out on horseback, and returned about four o'clock in the afternoon; and his Highness, the person who came with him in the post-chaise, and Farmer Tush, dined together: and while they were at her house, the said two persons called each other Farmer, and his highness the young squire. They always went about duskish, on horseback, each of them having a pair of saddle-bags.

The evidence of Joseph Richardson and James Parker is not less amusing.

Joseph Richardson, ostler at the Red Lion Inn at Whitchurch, aged thirty-six years, was the next witness. On Friday the 27th October, 1739, three persons, strangers to him, came on horse-

back, each of them having saddle-bags, to the Red Lion, about two o'clock in the afternoon. Upon their calling for the ostler, the witness attended: they looked at the stables, but did not like them, and said, they wanted a stable with three or four stalls, that they might lock their horses up. Not approving of the stables, the witness, after some conversation, and they inquiring if Lord Grovesnor put up there, recommended them to another house: and one of the persons, whom he afterwards knew to be the Duke of Cumberland, had a brownish great coat on, and a black wig; the second person, who attended him, was an elderly looking man; and the third seemed to be a servant, and went by the name of John. From their appearance and their putting their horses at a different house, and all things together, he suspected them to be highwaymen, and therefore he took particular notice of them and their horses; and he particularly observed the one, whom he afterwards knew to be the Duke of Cumberland, to have a mark upon his face; and, from such mark, he was firmly convinced that it was his Royal Highness. About four or five o'clock of the afternoon of the same day, Lady Grovesnor arrived at the Red Lion in her own carriage, with post horses.

*James Parker*, servant to Richard Allen, Esq. of Whitchurch, aged twenty-four years, deposed that, in October, 1769, he was waiter at the inn at Barnhill, in the county of Chester; that he had known Lord Grovesnor for about two years, from seeing him pass upon the road; that he once or twice saw Lady Grovesnor, and that about nine o'clock in the morning of Saturday the 28th of October, 1769, three persons, strangers to him, came on horseback to the said inn at Barnhill; that one of them he afterwards knew to be his Royal Highness the Duke of Cumberland; he taking particular notice of the cut in his face; and he had on a snuff-coloured great coat, with his hat flapped, and a black wig which came down over his forehead near to his eyes; and from his odd appearance, and the appearance of those who attended him, he suspected them to be highwaymen, and the more so because they had their horses locked up, and his Highness fell asleep at breakfast, from which he thought he had been upon the watch all night. They dined at the said inn, and inquired about gentlemen's houses in the neighbourhood, as if they were quite strangers; and, amongst other houses, the witness spoke of Lord Grovesnor's. Soon after dinner Lady Grovesnor went by in her coach, and he told them it was Lady Grovesnor; and in about half an hour's time they set off full gallop after her coach, and he imagined it was to attack her ladyship's coach; and the person who was with the Duke told the man, who went by the name of John, to follow them in half an hour.

Part of the evidence of Jane Richardson of the same inn, is highly characteristic of his royal highnesses intellectual reputation.

About twelve o'clock at night she was in the dining room with Miss Mary Spencer, her master's grand-daughter, and they heard a noise like rustling of clothes in the passage, the passage being

very narrow ; and the witness said, it was Joe, meaning her husband Joseph Richardson, who, she thought, was coming to see for her : but, before the witness got to the dining room door, she heard the door of the room open in which his Royal Highness lay, and the witness said, it was nothing but the fool, meaning his Highness, who assumed the character of a fool and behaved like one, the person who was with him telling the witness, that if she saw him in the passages, or any where about (as he was apt to walk in his sleep), not to touch him or go near him , and she was about opening the dining-room door, to take the key to fasten themselves in, when she heard the door of the bed-chamber in which his Highness lay, shut to again ; and then, hearing no more of him, she and Mary Spencer went to bed. The next morning the Duke of Cumberland went away before it was light ; and she assisted to make the bed in which his Highness lay ; and one Mrs. Hall, who helped to make the bed, asked who had lain there ? She answered, A fool and his servant ; but she knew that the servant did not lie with him ; and the witness said, that if the fool came there again, he should not have holland sheets, they were so very much rumpled and tumbled ; and looking for the pillow, she found it at the very foot of the bed, between the sheets, which she supposed was one of the fool's foolish tricks.

The conclusion of these intrigues is described in the following manner by John Stephens, adjutant of the Cheshire militia.

On Thursday, the 21st of December, 1769, he breakfasted with Lord Grovesnor, at his house in Grovesnor Square ; and his lordship communicated to him his suspicions that his Royal Highness the Duke of Cumberland would endeavour to meet Lady Grovesnor upon her road to London. His lordship was informed (and, upon inquiry, it proved true) that his highness was gone out of town that morning ; and his lordship desired the witness to set out and meet his family, in order to assist his brother in detecting Lady Grovesnor and his Highness, if they should attempt to meet together. Accordingly, he set out about one o'clock in the afternoon for St. Alban's ; and finding upon his arrival there, that Lady Grovesnor and her family were not come, he got a post-chaise in order to go further. He had then some reason to suppose that her ladyship might not come so far that night ; but before he had got out of the town he met Lady Grovesnor and her family ; when he returned, and went back to the Bull Inn. As he passed by he beckoned to his brother, who came to him at the Bull Inn ; and he acquainted him with the business he was come upon, and the suspicions of Lord Grovesnor. His brother left him, and went back to the White Hart ; and afterwards returned, and told him, that, from the inquiry he had made, he was very certain his Highness was there. About a quarter after ten o'clock, he went, with his brother to the White Hart Inn, and he went up stairs ; his brother went to listen at the door of Lady Grovesnor's bed-chamber, and came and told him

he had heard Lady Grovesnor and the Duke of Cumberland talking ; he listened two or three times at the door. The witness desired him to be very cautious of what he did, lest he should be mistaken : but he said, he was certain it was they, for he knew both their voices well ; that he knew very well the breaks of Lady Grosvenor's voice, and that he was sure it was the Duke's voice by his thick way of speaking. Afterwards the witness went and listened at the door himself : but, having then a cold, and not knowing the situation of the house, he could not pretend to say whether the voices came, or not, from the bed-chamber ; but he certainly heard a low and indistinct kind of talking. His brother being certain, he determined to proceed to break open the door, and for that purpose he called my Lord's servants up to assist him, to which they agreed. He followed the servants down to the door ; and the servants being first placed in order to break open the door, and the signal being given, they made a push, and attempted to break it open, but did not succeed till the fourth push, and then, by the assistance of a poker, which the witness's brother had in his hand, the door was forced open. The first person he saw was his Royal Highness the Duke of Cumberland, who appeared very much frightened and alarmed, and in great confusion ; at the same time his brother went to assist Lady Grovesnor, who had fallen down some steps, in attempting to run out of the room into another. His Highness followed Lady Grovesnor into the adjoining room ; and the witness followed his Highness, who, as soon as he got into the room, spread forth his hands, and said, you see, gentlemen, that I am not in the lady's room. To which the witness's brother replied, where was you when we broke open the door ? His Highness said, he would take his Bible oath that he was not in the lady's bed-chamber.

Depositions in recrimination were adduced, in which it appeared, that lord Grosvenor himself lived a very dissolute life, and passed much of his time with abandoned women.

The investigation, however, terminated in the separation of lord and lady Grosvenor, and in an action brought against the duke, lord Grosvenor recovered 10,000*l.* damages.

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WILLIAM GRIFFITHS,  
FOR HIGHWAY ROBBERY.

THIS malefactor was a native of Shropshire, and followed the business of husbandry till he had attained his eighteenth year, when he engaged in a naval life, and remained nearly three years in the East Indies. The ship was paid off on his return to England ; and Griffiths, receiving a considerable sum for wages, spent

his money, as sailors too generally do, in no very respectable company, at public houses in Wapping and adjacent parts.

By his connexion with men and women of abandoned character his money was soon spent, and he began to think of going to sea for a supply ; and happy might it have been for him if he had done so : but David Evans and Timothy Johnson, two of his newly acquired associates, and men of very abandoned character, advised him to be concerned with them in committing robberies on the highway ; and this triple association of thieves did actually commit a variety of depredations on the public, treating those they attacked with great inhumanity, but never obtaining any thing considerable by their lawless pursuits.

One of their robberies was the following :—having strolled into the fields in the neighbourhood of London, they wandered about till nearly 8 o'clock in the evening, when they stopped a single horse chaise, in which were a Mrs. Constable, the wife of a surgeon of Highgate, and her servant maid. Mrs. Constable was driving the chaise ; and the robbers had no sooner ordered them to stop, than one of them fired a pistol, the ball from which touched the clothes of the parties, but did not do any further mischief. Mrs. Constable was greatly terrified, and gave them what money she had in her purse ; but, not content with this, they searched her pockets, and took out some other articles ; but a carriage coming up at the time they ran off with the utmost precipitation.

They were taken into custody for this offence within a few days, and conducted to Sir John Fielding's office in Bow Street, where Evans was admitted an evidence against his accomplices. He deposed positively to the fact, and signed the information which he had given against them ; yet when they were brought to trial at the ensuing sessions at the Old Bailey, he absolutely denied all he had previously asserted, declaring that neither Johnson nor Griffiths were in his company at the time of the commission of the robbery.

On this testimony it was absolutely necessary for the jury to acquit the prisoners ; but Evans was told

from the Bench that he had behaved in a most scandalous manner, and was ordered back to Newgate, to take his trial for perjury.

Griffiths had no sooner experienced this narrow escape from the most ignominious death, than he returned to the company of several of his old acquaintance, who used to assemble at a house of ill fame in Tothill Street, Westminster, and soon had recourse again to the highway for a supply of money to support his extravagances.

His reign, however, was now very short, for he soon committed the fact which terminated in an ignominious death, of which we shall proceed to relate the particulars. The Rev. Dr. Dodd and his lady were returning from a visit they had been making to a gentleman at St. Alban's, but were detained on the way at Barnet, because a post-chaise could not be immediately procured.

Night was hastily approaching when they left Barnet; but they proceeded unmolested till they came near the turnpike at the extremity of Tottenham-court-road, when three men called to the driver of the carriage, and threatened his instant destruction if he did not stop. The post-boy did not hesitate to obey such a summons; but no sooner was the carriage stopped than a pistol was fired, the ball from which went through the front glass of the chaise, but did not take any effect to the injury of the parties in it, though it terrified them in a very high degree, as they apprehended that the most fatal consequences might ensue.

While the doctor was waiting at Barnet for the chaise, it occurred to him that there might be danger on the road; whereupon he concealed most of his money, except two guineas which he put in his purse with a bill of exchange.

Soon after the pistol was fired Griffiths opened the door of the chaise; on which the doctor begged him to behave with civility, on account of the presence of the lady. He then delivered the purse, with its contents, and likewise gave the robber some loose silver. Griffiths having received the booty, decamped with the utmost precipitation.

Dr. Dodd lost no time in repairing to Sir John Fielding's office, where he and his lady gave so full a description of the person of the principal robber, that it was easily conjectured that Griffiths must have been the party ; but who had been his associates in the business has never yet transpired.

In consequence of this information Griffiths was soon taken into custody ; but, on his examination before Sir John Fielding, Dr. Dodd hesitated to swear positively to his person ; but Mrs. Dodd, who had regarded him with more attention, positively declared on oath that he was the person who had committed the robbery.

Hereupon the magistrate committed Griffiths to Newgate, and a bill of indictment being found against him by the grand jury, he was called down to trial at the next sessions at the Old Bailey, when the following was the substance of the evidence against him.

Dr. Dodd delared, that it was with great reluctance he came into a court of justice on such an occasion, which he said he would not have done if the robbery had not been attended with circumstances of an aggravating kind ; but that the firing of the pistol was a crime of so horrid a nature, that his regard to the safety of others had induced him to commence a prosecution so abhorrent to the feelings of his own mind : but the Doctor would not swear to the identity of the prisoner's person.

On the contrary, Mrs. Dodd swore that he was the actual person who had committed the robbery ; and declared that he had confessed his guilt when before Sir John Fielding. This evidence was deemed so conclusive that the jury did not hesitate to find him guilty, in consequence of which he received sentence of death.

After conviction he behaved for some time in such a manner as was by no means proper for his melancholy situation ; and he refused to attend divine service in the chapel : but after the arrival of the warrant for his execution his conduct appeared to be totally changed, and he wept almost incessantly. He acknowledged the utmost readiness to listen to the instructions of the ordinary of Newgate, and made a

ready confession of many robberies in which he had been concerned, owning that he had been long deserving of the dreadful fate that then awaited him.

Among other things which he confessed was, that he was the person who fired the pistol at Mrs. Constable ; and that he prevailed on a woman of his acquaintance to persuade Evans to take a false oath on the trial, the consequence of which was the acquittal of himself and Johnson.

He owned that his attachment to the company of women of abandoned character contributed in a great degree to his destruction, as his extravagance in the support of them induced him to think of having recourse to the highway for a supply, the consequence of which would be an ignominious death.

The rest of his behaviour was by no means inconsistent with his calamitous situation ; and the ordinary of Newgate, conceiving he was a sincere penitent, did not hesitate to administer to him the sacrament of the Lord's Supper.

When the fatal day of execution arrived he attended service in the chapel of Newgate, where his behaviour was such as to justify the ideas that had been formed of the sincerity of his repentance. Being brought down into the press-yard his irons were knocked off, and he was put into the cart to be conveyed to the fatal tree : on which occasion he wept, as penetrated with the utmost contrition for his past crimes ; and at the place of execution he cautioned the attending multitude in general, and youth in particular, to take warning by his unhappy fate.

William Griffiths was hanged at Tyburn on the 20th of January, 1773.

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WILLIAM HAWKE,  
FOR HIGHWAY ROBBERY, 1774.

WILLIAM HAWKE was a native of Uxbridge. He was hired to draw beer at a public-house on Saffron Hill, and contracting an acquaintance with some abandoned people who frequented an alehouse in St. Giles's, he

was persuaded to join them in committing depredations upon the public.

At length he commenced highwayman, and became an accomplice of James Field, who with Hawke was transported to America ; but returning to England nearly at the same period, they again became associates in committing robberies upon the highway. Hawke and Field being again apprehended together, the former escaped from Tothill-fields Bridewell, and went to France ; but the other suffered the sentence of the law at Tyburn.

Upon Hawke's return to England he committed a number of most daring robberies ; and several months elapsed before the thief-takers knew him to be the man by whom the roads about London were so variously infested. Information being given to the keeper of Tothill-fields Bridewell, that Hawke's wife had been to Uxbridge on a party of pleasure, he sought the driver of the coach in which she was conveyed, and learned from him that Hawke lodged in Shoe-lane. On the following morning the Keeper, Bond, Leigh, and some other persons in the service of Sir John Fielding, went to Shoe Lane, and going up two pair of stairs, entered the front room, and there discovered Hawke slumbering in bed, Bond threw himself across the highwayman, but Hawke rolling the sheet round Bond's head, snatched at a pistol that was under the pillow, when the keeper entered, and caught his hand.

With much difficulty Hawke was secured ; and being put into a coach he said, that his misfortunes were in some measure alleviated by the consideration that no life was lost, for he was provided with several loaded pistols, and had formed the resolution of firing upon any man who should attempt to take him into custody.

Being conveyed to the public office in Bow Street, a great number of persons were bound over to prosecute, and he was committed to Newgate, and at the next sessions of the Old Bailey was arraigned on an indictment for robbing a Mr. Hart of a small sum of money. Mr. Hart and a Captain Cunningham had

been stopped in the Fulham stage, a little beyond Knightsbridge, by the prisoner, who demanded their money. The captain refused to resign his property ; and Hawke threatened to fire, and pointing his pistol at the captain, he said, fire away and be d——d ! On which the robber discharged his pistol, and the ball passed between the captain's shoulder and his coat. Mr. Hart then delivered a few shillings ; and Captain Cunningham, getting out of the coach in the interim, seized the bridle of the highwayman's horse, when he discharged a second pistol ; he then remounted but did not ride away for some minutes, during which interval the captain employed himself in picking up stones and throwing at him.

At the time of Hawke's trial Captain Cunningham was abroad ; but Mr. Hart's evidence was so positive, clear, and circumstantial, that no doubt remained as to the guilt of the prisoner, who was therefore found guilty, and sentenced to suffer death.

While under sentence in Newgate his behaviour was decent, but not penitential. When the cart was preparing to be driven from under the gallows, he kicked off both his shoes ; and when he found it move, he collected his utmost strength and leaped up, so that his neck was instantly dislocated.

He suffered at Tyburn on the 1st of July, 1774.

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JOHN RANN,

FOR HIGHWAY ROBBERY.

JOHN RANN was born in a village a few miles from Bath, of honest parents, who were in low circumstances, and incapable of giving him any kind of education. For some time he obtained a livelihood by vending goods, which he drove round the city and adjacent country on an ass.

A lady of distinction, who happened to be at Bath, took Rann into her service when he was about twelve years of age ; and his behaviour was such, that he became the favourite of his mistress and fellow-servants.

At length he came to London, and got employment as a helper in the stables at Brooke's mews ; in which station he bore a good character. He then became the driver of a post-chaise, after which he was servant to an officer ; and in both these stations he was well spoken of.

About four years before his execution, he was coachman to a gentleman of fortune near Portman-square ; and it was at this period that he dressed in the manner which gave rise to the appellation of Sixteen strings Jack, by wearing breeches with eight strings at each knee.

After living in the service of several noblemen, he lost his character, and turned pick-pocket, in company with three fellows, named Jones, Clayton, and Colledge, the latter of whom (a mere boy) obtained the name of Eight-strings Jack.

At the sessions held at the Old Bailey in April, 1774, Rann, Clayton, and one Shepherd, were tried for robbing Mr. William Somers on the highway, and acquitted for want of evidence. They were again tried for robbing Mr. Langford, but acquitted for the same reason.

For some time, Rann kept company with a young woman named Roche, who, having been apprenticed to a milliner, and being seduced by an officer of the guards, was reduced to obtain bread by the casual wages of prostitution ; and, at length associating with highwaymen, received such valuable effects as they took on the road.

On the 30th of May, Rann was taken into custody, and being brought to Bow Street on the following Wednesday, was charged with robbing John Devall, Esq. ; near the nine-mile stone on the Hounslow-road, of his watch and money. This watch he had given to Miss Roche, who delivered it to Catherine Smith, who offered it in pledge to Mr. Hallam, a pawn-broker, who, suspecting that it was not honestly obtained, caused all the parties to be taken into custody.

Miss Roche was now charged with receiving the watch, knowing it to have been stolen ; and Miss Smith being sworn, deposed that, on the day Mr. Devall was robbed, Roche told her that she expected

Rann to bring her some money in the evening : that he accordingly came about ten at night, and, having retired some time with Miss Roche, she, on her return, owned that she had received a watch and five guineas from him, which he said he had taken from a gentleman on the highway ; that she, Miss Smith, carried the watch to pawn to Mr. Hallam, at the request of Miss Roche.

Sir John Fielding asked Rann if he would offer anything in his defence ; on which the latter said, I know no more of the matter than you do, nor half so much neither. On this occasion Rann was dressed in a manner above his style of life and his circumstances. He had a bundle of flowers in the breast of his coat, almost as large as a broom ; and his irons were tied up with a number of blue ribbons.

For the offence above mentioned, Rann was tried at the sessions held at the Old Bailey in July, 1774, and acquitted.

Two or three days after this acquittal, Rann engaged to sup with a girl at her lodgings in Bow Street, but not being punctual to his appointment, the girl went to bed, and Rann, not being able to obtain admittance at the door, attempted to get in at the window on the first floor, and had nearly accomplished his purpose, when he was taken into custody by the watchman.

For this burglarious attempt he was examined at Bow Street on the 27th of July, when the girl whose apartments he had attempted to break open, declared that he could have no felonious intention, as he knew that he would have been a welcome guest, and have been readily admitted, if she had not fallen asleep. On this he was dismissed, after Sir John Fielding had cautioned him to leave his dangerous profession, and seek for some more honest means of support.

On the Sunday following, Rann appeared at Bag-nigge-wells, dressed in a scarlet coat, tambour waist-coat, white silk stockings, laced hat, &c. and publicly declared himself to be a highwayman. Having drank pretty freely, he became extremely quarrelsome, and several scuffles ensued, in one of which he lost a ring from his finger, and when he discovered his loss, he

said it was but an hundred guineas gone, which one evening's work would replace. He became at length so troublesome, that part of the company agreed to turn him out of the house; but they met with so obstinate a resistance, that they were obliged to give up their design; when a number of young fellows, possessed of more spirit than discretion, attacked this magnanimous hero, and actually forced him through the window into the road. Rann was not much injured by this severe treatment; but he complained bitterly against those who could so affront a gentleman of his character.

Rann being arrested for a debt of 50*l.* which he was unable to pay, was confined in the Marshalsea prison, where he was visited by a number of men and women of bad character, some of whom payed his debt, and procured his discharge.

At another time, Rann being with two companions at an ale-house in Tottenham-court-road, two sheriff's officers arrested him, who, not having money to pay the rent, deposited his watch in the hands of the bailiffs, and his associates advanced three guineas, which together made more than the amount of the debt; and as a balance was to be returned to Rann when the watch should be redeemed, he told the bailiffs that if they would lend him five shillings, he would treat them with a crown bowl of punch. This they readily did; and, while they were drinking, Rann said to the officers, " You have not treated me like a gentleman. When sir John Fielding's people come after me, they use me genteely; they only hold up a finger, beckon me, and I follow them as quietly as a lamb."

When the bailiffs were gone, Rann and his companions rode off; but our hero, soon returning, stopped at the turnpike, and asked if he had been wanted.

No (said the tollman.) Why, (replied the other) I am Sixteen-strings Jack, the famous highwayman —have any of sir John Fielding's people been this way?—Yes, (said the man) some of them are but just gone through. Rann replied, if you see them again, tell them I am gone towards London; and then rode off with the utmost unconcern.

Soon afterwards Rann appeared at Barnet races, dressed in a most elegant sporting style, his waistcoat being blue satin trimmed with silver; and he was followed by hundreds of people, who were eager to gratify their curiosity by the sight of a man who had been so much the subject of public conversation.

A very short time before Rann was capitally convicted, he attended a public execution at Tyburn, and, getting within the ring formed by the constables round the gallows, desired that he might be permitted to stand there, for (said he) perhaps it is very proper that I should be a spectator on this occasion.

On the 26th of September, 1774, Rann and William Collier went on the Uxbridge road, with a view to commit robberies on the highway; and on the Wednesday following they were examined at the public office in Bow Street, when Dr. William Bell, chaplin to the princess Amelia, deposed, that between three and four o'clock in the afternoon of Monday, the 26th of September, as he was riding near Ealing, he observed two men, rather of a mean appearance, who rode past him; and that he remarked they had suspicious looks; yet neither at that time, nor for some little time afterwards, had he any idea of being robbed; that soon afterwards one of them, which he believed was Rann, crossed the head of his horse, and demanding his money, said, Give it me, and take no notice, or I'll blow your brains out. On this the doctor gave him one shilling and sixpence, which was all the silver he had, and likewise a common watch in a tortoise shell case.

On the evening of the day on which the robbery was committed, Eleanor Roche (who was kept by Rann) and her maid-servant carried a watch to pledge with Mr. Cordy, pawnbroker in Oxford Road, who, suspecting that it had not been honestly acquired, stopped it, and applied to Mr. Grignion, watch-maker in Russell Street, Covent Garden, who had made the watch for Dr. Bell.

Mr. Clarke swore, that, on going to Miss Roche's lodgings on the Monday night, he found two pair of boots wet and dirty, which had evidently been worn that day; and Mr. Haliburton swore, that he waited

at Miss Roche's lodgings till Rann and Collier came thither; in consequence of which they were taken into custody.

On the 5th of October, John Rann, William Collier, Eleanor Roche, and Christian Stewart, (servant to Roche) were brought to Bow Street; when Dr. Bell deposed in substance as he had done the preceding week: and *William Hills* (servant to the princess Amelia) swore, that he saw Rann (whom he well knew) ascend the hill at Acton about twenty minutes before the robbery was committed; a circumstance which perfectly agreed with Dr. Bell's account of the time that he was robbed.

Hereupon John Rann and William Collier were committed to Newgate, to take their trials for the highway robbery; Miss Roche was sent to Clerkenwell bridewell, and Christian Stewart, (her servant) to Tothill-fields bridewell, to be tried as accessories after the fact.

The evidence given on this trial was, in substance, the same as that which had been given at Bow Street; but some favourable circumstances appearing in behalf of Collier, he was recommended to mercy, and afterwards respite during the king's pleasure. Miss Roche was sentenced to be transported for fourteen years: her servant was acquitted; and Rann was left for execution.

After conviction the behaviour of this malefactor was, for some time, very improper for one in his unhappy circumstances. On Sunday, the 23d of October, he had seven girls to dine with him. The company were remarkably cheerful; nor was Rann less joyous than his companions. He was executed at Tyburn on the 30th of November, 1774. When he came near the fatal tree, he turned round and looked at it as an object which he had long expected to see; but not on one as he dreaded, as might reasonably have been expected.

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ROBERT PERRRAU, and DANIEL PERREAU  
FOR FORGERY.

ON the 10th of March, 1775, discovery was made of a series of forgeries, said to have been carried on for a length of time, by Robert and Daniel Perreau, twin

brothers ; the one an apothecary of great practice, and the other living in the style of a gentleman.

The above parties, together with Mrs. Margaret Caroline Rudd, who lived with Daniel Perreau as his wife, and who was deemed to have been a principal agent in the forgeries, were taken into custody, and carried before the bench of magistrates in Bow-street, where the crowd attending to hear their examination was so great, that it became necessary to adjourn to the Guildhall, Westminster.

The evidence there adduced tended to prove that the parties had raised considerable sums by bonds forged in the name of the well-known agent, William Adair, Esq. which they imposed on several gentlemen of fortune as collateral securities with their own notes for the payment of the said sums.

This transaction was discovered by the following means : Robert Perreau, whose character had been hitherto unimpeachable, applied to Mr. Drummond, the banker, to lend him 500*l.* and offered a bond for 750*l.* which he said Mr. Adair had given to his brother, as a security for the payment.

It will now be proper to remark, that, in order to give colour to the validity of these bonds, it had been artfully suggested, that Mrs. Rudd had near connexions with Mr. Adair ; and it was even insinuated, that she was his natural daughter : but Mr. Drummond, to whom Mr. Adair's writing was familiar, had no sooner looked at the signature, than he doubted its authenticity, and very politely asked Robert Perreau, if he had seen Mr. Adair sign it ? The latter said he had not, but had no doubt but it was authentic, from the nature of the connexion that subsisted.

To this Mr. Drummond said, that he could not advance such a sum without consulting his brother, and desired Perreau to leave the bond, promising to return it the next morning, or advance on it the sum required,

Mr. Perreau made no scruple to leave the bond, and call in the morning. In the interim, Mr. Drummond examined the bond with greater attention ; and Mr. Stephens, secretary of the Admiralty, happening to call, his opinion was demanded ; when comparing the signature of the bond with letters he had lately re-

ceived from Mr. Adair, he was firmly convinced that it was forged.

When Perreau came, Mr. Drummond spoke more freely than he had done before, and told him that he imagined he had been imposed on ; but begged that, to remove all doubt, he would go with him to Mr. Adair, and get that gentleman to acknowledge the validity of the bond ; on which the money should be advanced.

Perreau made not the least objection. They went together ; and Mr. Adair was asked, if the bond was his. He declared it was not ; but Perreau smiled, and said he jested.

Mr. Adair told him that it was no jesting matter, and that it was his duty to clear up the affair. Perreau said, if that was the case, he had been sent on a fine errand. He desired to have the bond, and said he would make the necessary enquiries ; but this was refused, and it was thought a point of prudence to watch the motions of Robert. Perreau, till Daniel and his pretended wife were produced.

Soon after he returned home, the three parties went into a coach ; and, if Mrs. Rudd's testimony may be credited, she took with her what money and valuables she could conveniently carry ; and said that the brothers had taken her money, gold watch, and jewels, into their possession : but no reason was assigned for their doing so.

Their escape, however, if such was intended, was prevented ; for an information being laid against them, they were apprehended, carried before sir John Fielding, and examined at the Guildhall, Westminster, as above-mentioned. The facts already mentioned were attested by Mr. Adair, Mr. Drummond, and other persons ; and sir Thomas Frankland charged them with obtaining from him 4000*l.* on the first application, which they honestly repaid before the money became due ; afterwards 5000*l.* and then 4000*l.* on similar bonds, all signed with the name of Mr. Adair.

Mr. Watson, a money-scrivener, said that he had drawn eight bonds, all of them ordered by one or other of the brothers ; but he hesitated to fix on either, on account of the great personal resemblance : but being

pressed to make a positive declaration, he fixed on Daniel as his employer.

Dr. Brooke charged the brothers with obtaining from him fifteen bonds of the bank of Air, each of the value of 100*l.* upon the security of a forged bond for 3100*l.*

On the strength of this evidence the brothers were committed, the one to New Prison, and the other to Clerkenwell bridewell; and Mrs. Rudd was admitted an evidence for the crown.

At the sessions held at the Old Bailey in June, 1775, Robert Perreau, Esq. was indicted for forging a bond for the payment of 7500*l.* in the name of William Adair, Esq.; and also for feloniously uttering and publishing the said bond, knowing it to be forged, with intention to defraud Robert and Henry Drummond, Esqrs.

*Henry Drummond*, Esq. deposed, that Robert Perreau requested the loan of 1400*l.*, having made a purchase in Suffolk or Norfolk to the amount of 12,000*l.* He said he had a house in Harley Street, Cavendish-square, which cost 4000*l.* the deeds of which house he would leave as a security. These he did leave, and promising to return in ten days, the money was paid him. He came some time afterwards, and apologised for not having kept his appointment; and said he then came to borrow 5000*l.* on the bond, out of which he would pay the 1400*l.* above-mentioned.

Mr. Drummond and his brother doubting the validity of the bond, Perreau said there were family connexions between him and Mr. Adair, who had money of his in his hands, for which he paid interest.

A great part of what Mr. Drummond delivered in evidence has been already given in the former part of this narrative. Mr. Drummond going with the prisoner to Mr. Adair's, Mrs. Daniel Perreau (Mrs. Rudd) was sent for, when Robert asked her, if she had not given the bond to him. She owned that she had, took the whole on herself, and acknowledged that she had forged the bond.

The counsel for the prisoner asking Mr. Drummond if he was certain that the prisoner said it was his money that Mr. Adair paid interest for, he answered

in the affirmative. He declared likewise, that Mr. Perreau did not make the least objection to leaving the bond with him, nor shewed any reluctance in going with him to Mr. Adair's house.

He likewise said that Mrs. Rudd took the whole on herself, begged them for God's sake to have mercy on an innocent man ; and that she said no injury was intended to any person, and that all would be paid ; and that she acknowledged delivering the bond to the prisoner.

The counsel demanding if Mr. Drummond and Mr. Adair, after hearing what Mrs. Rudd said, had not expressed themselves as considering the prisoner as her dupe ; the answer was, We both expressed ourselves to that effect. A constable had been sent for, and we discharged him.

The identity of the bond was proved by Mr. Wheatly, clerk to Messrs. Drummond.—The evidence of Mr. Robert Drummond was not, in any very essential point, different from that of his brother. He deposed, that when Mrs. Rudd had acknowledged that she forged the bond, he expressed his doubt, the handwriting being so different from that of a woman, and said nothing would convince him of it, but her shewing on a piece of paper, that she could write that sort of hand. He said he did not mean to ensnare her, and would immediately throw the writing into the fire. Mrs. Rudd instantly wrote William Adair, or part of the name, so very like the signature of the bond, that it satisfied him, and he burnt the paper. Robert Perreau then said, that he hoped that the information she had given sufficiently acquitted him : but he was told that he had better not enquire into that ? and on this occasion he shewed the first sign of anxiety.

Sir *Thomas Frankland* deposed, that the prisoner brought him two bonds at different times, one to Daniel Perreau for 6000*l.*, and the other to himself (Robert) for 5300*l.* : that for 5300*l.*, on which he lent him 4000*l.*, was to be repaid on the 26th of March, with the three days grace ; the other was due on the 8th of March.

Mr. *Wilson* declared, that he filled up the bond at the desire of the prisoner ; and produced his instruc-

tions for so doing. He likewise acknowledged that he had filled up other bonds for the prisoner.

That the hand-writing at the bottom of the bond was not the hand-writing of William Adair, was proved by Scroop Ogilvie and James Adair, Esqrs. Mr. James Adair was now questioned by counsel respecting a private interview he had with Mrs. Rudd; but the court doubted if this might be allowed as evidence. After some observations made by the counsel for the prisoner, a letter was read, which he presumed had been sent him by William Adair, Esq.; but which appeared to have been written, by Mrs. Rudd, but was scarcely intelligible.

The prisoner made his defence in the following terms.

My Lords, and gentlemen of the jury, if I had been wanting in that fortitude which is the result of innocence, or had found any hesitation in submitting my proceedings to the strictest scrutiny, I need not at this day have stood before my country, or set my life upon the issue of a legal trial. Supported by the consciousness of my integrity, I have forced that transaction to light, which might else have been suppressed; and I have voluntarily sought that imprisonment which guilt never invites, and even innocence has been known to fly from; ardently looking forward to this hour, as the sure, though painful, means of vindicating a character, not distinguished, indeed, for its importance, but hitherto maintained without a blemish. There are many respectable witnesses at hand, (and many more, I persuade myself, would be found, if it had been necessary to summon them upon a point of such notoriety) who will inform your lordships and the court, how I have appeared to them to act; what trust has been reposed in me, and what credit I had in their opinions, for my diligence, honesty, and punctuality. In truth, my lords, I am bold to say, that few men in my line of life, have carried on their business with a fairer character, not many with better success. I have followed no pleasures, nor launched into any expenses: there is not a man living who can charge me with neglect or dissipation. The honest profits of my trade have afforded me a comfortable support, and furnished me with the means of maintaining, in a decent sort, a worthy wife, and three promising children, upon whom I was labouring to bestow the properest education in my power; in short, we were as happy as affluence and innocence could make us, till this affliction came upon us by surprise, and I was made the dupe of a transaction from whose criminality I call God, the searcher of all human hearts, to witness, I am now as free as I was at the day of my birth.—My lords, and gentlemen of the jury, men who are unpractised in deceit will be apt to credit others for a sincerity which they themselves possess. The most undesigning characters have at all times been the dupe of craft and subtlety. A plain story with the indulgence of the court, I will relate, which will furnish strong instances

of credulity on one part, and at the same time will exhibit a train of such consummate artifices on the other, as not to be equalled in the annals of iniquity, and which might have extorted an equal confidence from a much more enlightened understanding than I can claim."

The prisoner now proceeded to call his witnesses.

*George Kinder* deposed, that Mrs. Rudd told him "that she was a near relation of Mr. James Adair; that he looked upon her as his child, had promised to make her fortune; and with that view had recommended her to Mr. William Adair, a near relation, and intimate friend of his, who had promised to set her husband and the prisoner up in the banking business." He likewise deposed that the said Mr. Daniel Perreau was to be made a baronet, and described how she would act when she became a lady. This witness deposed, that Mrs. Rudd often pretended that Mr. William Adair had called to see her, but that he had never seen that gentleman on any visit.

*John Moody*, a livery-servant of Daniel Perreau, deposed, that his mistress wrote two very different hands, in one of which she wrote letters to his master, as from Mr. William Adair, and in the other the ordinary business of the family; that the letters written in the name of William Adair were pretended to have been left in his master's absence; that his mistress ordered him to give them to his master, and pretend that Mr. Adair had been with his mistress for a longer or shorter time, as circumstances required. This witness likewise proved that the hand at the foot of the bond and that of his mistress's fictitious writing were precisely the same: that she used different pens, ink, and paper, in writing her common and fictitious letters: that she sometimes gave the witness half a crown, when he had delivered a letter to her satisfaction. He said he had seen her go two or three times to Mr. J. Adair's, but never to William's; and that Mr. J. Adair once visited his mistress on her lying-in.

*Susanna Perreau* (the prisoner's sister) deposed, to the having seen a note delivered to Daniel Perreau, by Mrs. Rudd, for 19,000*l.* drawn as by William Adair, on Mr. Croft, the banker, in favour of Daniel Perreau.

*Elizabeth Perkins* swore that, a week before the forgery was discovered, her mistress gave her a letter

to bring back to her in a quarter of an hour, and say it was brought by Mr. Coverly, who had been servant to Daniel Perreau: that she gave her mistress this letter, and her master instantly broke the seal.

*Daniel Perreau* declared that the purport of this letter was, "that Mr. Adair desired her to apply to his brother, the prisoner, to procure him 5000l. upon his (Adair's) bond, in the same manner as he had done before; that Mr. Adair was unwilling to have it appear that the money was raised for him, and therefore desired to have the bond lodged with some confidential friend, that would not require an assignment of it; that his brother, on being made acquainted with his request, shewed a vast deal of reluctance, and said it was a very unpleasant work; but undertook it with a view of obliging Mr. William Adair.

The counsel for the prosecution demanding, "if he did not disclaim all knowledge of the affair before Mr. Adair," he said, he denied ever having seen the bond before, nor had he a perfect knowledge of it till he saw it in the hands of Mr. Adair.

*David Cassady*, who assisted Mr. R. Perreau as an apothecary, deposed, that he lived much within the profits of his profession, and that it was reported he was going into the banking business.

*John Leigh*, clerk to Sir John Fielding, swore to the prisoner's coming voluntarily to the office, and giving information that a forgery had been committed; on which Mrs. Rudd was apprehended. Mr. Leigh was asked, if she "ever charged the prisoner with any knowledge of the transaction till the justices were hearing evidence to prove her confession of the fact." Mr. Leigh answered, that he did not recollect that circumstance, but that on her first examination she did not accuse the prisoner.

Mr. Perreau now called several persons of rank to his character. Lady Lyttleton being asked if she thought him capable of such a crime, supposed she could have done it as soon herself. Sir John Moore, Sir John Chapman, General Rebow, Captain Ellis, Captain Burgoyne, and other gentlemen, spoke most highly to the character of the prisoner: yet the jury found him guilty.

DANIEL PERREAU was indicted for forging and counterfeiting a bond, in the name of William Adair, for 3300l., to defraud the said William Adair; and for uttering the same knowing it to be forged with intent to defraud Thomas Brooke, doctor of physic. Mr. Scroope Ogilvie, who had been clerk to Mr. William Adair nine or ten years, proved the forgery; and Dr. Brooke proved the uttering of the forged bond.

By way of defence, the prisoner declared that Mrs. Rudd had given him the bond as a true one; that he believed it genuine, authentic, and valid; and protested, by all his hopes of happiness in this life, and in a future, that he had never conceived an idea of any thing so base as the defrauding any man of his property. He added, "I adjure the Almighty so to assist me in my present dangerous situation, as I speak truth before you."

Mr. Daniel Perreau called several persons to prove the artifices which Mrs. Rudd had practised to deceive him. Many persons of fortune and credit appeared to his character; and spoke of his conduct previous to the fatal event in terms of the highest approbation; but the jury brought in a verdict of guilty; and the unfortunate brothers received sentence of death, but were not executed till January, 1776, because, though Mrs. Rudd had been admitted an evidence, yet the judges committed her as a principal, as will be seen more at large in the account of the subsequent trial.

After conviction, the behaviour of the brothers was, in every respect, proper for their unhappy situation. Great interest was made to obtain a pardon for them, particularly for Robert, in whose favour seventy-eight bankers and merchants of London signed a petition to the king; the newspapers were filled with paragraphs, evidently written by disinterested persons in favour of men whom they thought dupes to the designs of an artful woman: but all this availed nothing. On the day of execution the brothers were favoured with a mourning coach, and it is said that 30,000 people attended. They were both dressed in mourning, and behaved with christian resolution. When they quitted the coach

and got into the cart, they bowed respectfully to the Sheriffs who waved their hands as a final adieu.

After the customary devotions, they crossed their hands, joining the four together, and in this manner were launched into eternity. They had not hung more than half a minute when their hands dropped asunder, and they appeared to die without pain.

Each of them delivered a paper to the ordinary of Newgate, declaring their innocence, and ascribing the blame of the whole transaction to the artifices of Mrs. Rudd ; and the majority of the people gave credit to their assertions. They were executed at Tyburn on the 17th of January, 1776.

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### MARGARET CAROLINE RUDD, FOR FORGERY.

ON the 8th of December, 1775, Margaret Caroline Rudd was indicted for feloniously forging a bond, purporting to be signed by William Adair, and for feloniously uttering and publishing the same.

Having been brought to the bar in September sessions, to plead to the said indictment, and her counsel contending that she ought not to be tried, as she had acknowledged herself an accomplice, and had been admitted an evidence by the magistrates ; and the judges “ differing in opinion on the point of law ;” reference was had to the opinion of all the judges, that the matter might be finally settled, how far, under what circumstances, and in what manner, an accomplice, received as a witness, ought to be entitled to favour and mercy.

Mr. Justice Aston now addressed the prisoner, informing her that eleven of the judges had met (the chief justice of the Common Pleas being indisposed,) “ and were unanimous in opinion, that, in cases not within any statute, an accomplice who fully discloses the joint guilt of himself and his companions, and is admitted by justices of the peace as a witness, and who appears to have acted a fair and ingenuous part in

the disclosure of all the circumstances of the cases in which he has been concerned, ought not to be prosecuted for the offences so by him confessed, but cannot by law plead this in bar of any indictment, but merely as an equitable claim to mercy from the crown; and nine of the judges were of opinion that all the circumstances relative to this claim ought to be laid before the court, to enable the judges to exercise their discretion whether the trial should proceed or not. With respect to the case before them, the same nine judges were of opinion, that if the matter stood singly upon the two informations of the prisoner, compared with the indictments against her, she ought to have been tried upon all, or any of them, for from her informations she is no accomplice: she exhibits a charge against Robert and Daniel Perreau, the first soliciting her to imitate the hand-writing of William Adair, the other forcing her to execute the forgery under the threat of death. Her two informations are contradictory; if she has suppressed the truth she has no equitable claim to favour; and if she has told the truth, and the whole truth, she cannot be convicted. As to the indictments preferred against her by Sir Thomas Frankland, as her informations before the justices have no relation to his charges, she can claim no sort of advantage from these informations."

The trial was now proceeded in. The principal evidences were, the wife of Robert Perreau, and John Moody, a servant to Daniel. The first endeavoured to prove that the bond was published, the latter that it was forged. Sir Thomas Frankland proved that he had lent money on the bond. It was objected by the counsel for the prisoner, that Mrs. Perreau was an incompetent witness, as she would be interested in the event; but the court over-ruled this objection.

Mrs. *Perreau* deposed, that, on the 24th of December she saw Mrs. Rudd deliver a bond to her husband, which he laid on the table while he brushed his coat; that it was for 5300l., payable to Robert Perreau, and signed William Adair; and that it was witnessed in the names of Arthur Jones and Thomas Start, or Hart. Mrs. Perreau being asked when she

again saw the bond, said it was brought to her on the 8th of March (the day after her husband was convicted,) when she selected it from other bonds delivered to him on the 24th of December. She made her mark on it, and deposed that when it was delivered to Mr. Perreau, Mrs. Rudd said, "Mr. Adair would be very much obliged to Mr. Perreau to try to raise upon that bond the sum of 4000l. of Sir Thomas Frankland."

*John Moody*, who had been servant with Mrs. Rudd, deposed that his mistress wrote two different hands, a common and a feigned one; that in her common hand she noted the usual business of the house; but that when she wrote letters, as coming from William Adair, she wrote her feigned hand. A bond signed William Adair was now shewn him; and he said, "the name appears to be the same hand the letters were wrote in, which I gave to Daniel Perreau, as coming from Mr. William Adair, and which I saw Mrs. Rudd write the direction of." He was asked if he thought Mr. Adair's name was of the prisoner's writing. He replied, I believe it is her hand writing.

Sir *Thomas Frankland* proved the lending Robert Perreau 4000l. on the bond in question, and that he had given him a draft for 3890l., deducting the discount of 5000l., formerly lent, with the discount of the money then borrowed, and 15l. 10s. for a lottery ticket: that he had since received, among other things, jewels to the value of 2800l., with women's wearing apparel, &c. which might, for what he knew, be the prisoner's, but were sold to him by the two Perreaus by a bill of sale."

*Christian Hart* deposed that she had received a paper from the prisoner, tending to prove that there was a combination against her life, to have been concerted at the house of this witness, by Sir Thomas Frankland and the friends of the Perreaus.

It was now demanded of Mrs. Rudd what she would say in her defence. She addressed the jury in a short but sensible speech, and concluded in these words, "Gentlemen, ye are honest men, and I am safe in your hands."

The jury, after a short consultation, gave their ver-

dict in the following singular, and perhaps unprecedented words : " According to the evidence before us, NOT GUILTY."

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### ELIZABETH, DUCHESS OF KINGSTON, FOR BIGAMY.

ON Monday the 15th of April, 1776, the peeresses, foreign ambassadors, &c. concluded the ceremony of assuming their respective places in Westminster Hall; and at half-past ten her majesty, accompanied by the prince of Wales, the bishop of Osnaburgh, two other young princes, and the princess royal, and attended by lord and lady Holderness, lord Hinchinbroke, and others of the nobility, entered the hall from the duke of Newcastle's house in New Palace Yard, and took her seat in the centre of his grace's gallery.

The persons who composed the court having taken their seats with the usual formalities, the lord high steward directed the clerk of the crown to read the *certiorari*, the return thereof, the caption of the indictment, the indictment itself, and other official papers ; which being done, the sergeant at arms made proclamation for the usher of the black rod to place the prisoner at the bar.

The duchess of Kingston then came forward, attended by Mrs. Egerton, Mrs. Barrington, and Miss Chudleigh, three of the ladies of her bedchamber, and her chaplain, physician, and apothecary ; and as she approached the bar, she made three reverences, and then dropped upon her knees, when the lord high steward said, *Madam, you may rise.* Having risen she curtsied to the lord high steward and the house of peers ; and her compliments were returned.

The lord high steward desired the lady to give attention, while she was arraigned on an indictment for bigamy. Proclamation for silence being made, the duchess (who had been permitted to sit) arose, and read a paper, representing to the court that she was advised by her counsel to plead the sentence of the ecclesiastical court in the year 1769, as a bar to her being tried on the present indictment. The lord high

steward informed her that she must plead to the indictment; in consequence of which she was arraigned; and, being asked by the clerk of the crown whether she was guilty of the felony with which she stood charged, she answered with great firmness, *Not guilty, my lords.* The clerk of the crown then asking her how she would be tried, she said, *by God and her peers;* on which the clerk said, *God send your ladyship a good deliverance*

The solicitor-general then arose, and delivered a learned and elaborate speech, wherein he was extremely severe on the consistory court, saying he could not allow authority to that doctrine which puts the decisions of that court above the cognizance of the temporal ones.

Lord Talbot then addressed the court, observing, that as the matter in agitation was of the utmost importance, both to the noble prisoner, and the right honourable court in general, the pleadings on both sides could not be weighed with too minute an attention; and lest the memory should be encumbered (candidly acknowledging that he had already heard more than he believed his mind would retain) he moved for the court to adjourn to the chamber of parliament.

The peers having taken their seats in the parliament chamber, lord Camden proposed the following questions to the judges:—"Whether it was their opinion that the court had power to call evidence in support of the prosecution; or whether they deemed the sentence of the ecclesiastical court conclusive and irrevocable? and whether the prosecutor could or could not proceed in this court against the prisoner for obtaining the decision of the consistory court by collusion and fraud?" The opinion of the judges was, That in either case the prosecutor was authorised to enter into evidence in support of the indictment on which the prisoner stood arraigned.

In consequence of the above determination, the house, after having withdrawn for about half an hour, returned into court; and the lord high steward informed the attorney-general, that he was directed by their lordships to order him to proceed with the trial..

Mr. Attorney then explained the nature of the evidence he meant to produce, and recapitulated a great number of facts and circumstances from the year 1742, previous to the supposed marriage of her grace with Mr. HERVEY, to the time of her marriage with the late DUKE of KINGSTON.

The solicitor-general rose to examine the witnesses, and *Anne Craddock* being called to the bar, her evidence was to the following purpose.

I have known her grace the duchess of Kingston ever since the year 1742; at which time she came on a visit to Mr. Merrill's, at Launceston, in Hampshire, during the Winchester races. At that time I lived in the family of Mrs. Hanmer, Miss Chudleigh's aunt, who was then on a visit at Mr. Merrill's, where Mr. Hervey and Miss Chudleigh first met, and soon conceived a mutual attachment towards each other. They were privately married one evening about eleven o'clock, in Launceston church, in the presence of Mr. Mountney, Mrs. Hanmer, the Rev. Mr. Ames, the rector, who performed the ceremony, and myself.

She was also asked, whether, as the ceremony was performed at night, there were any lights in the church? In reply to which she said, Mr. Mountney had a wax light fixed to the crown of his hat. In reply to questions proposed by lord Hillsborough, the witness acknowledged that she had received a letter from Mr. Fossard, of Piccadilly, containing a promise of a sinecure place, on condition of her appearing to give evidence against the lady at the bar, and expressing that if she thought proper she might shew the letter to Mr. Hervey.

*Cæsar Hawkins*, Esq. deposed, that he had been acquainted with the duchess several years, he believed not less than thirty. He had heard of a marriage between Mr. Hervey and the lady at the bar, which circumstance was afterwards mentioned to him by both parties, previous to Mr. Hervey's last going to sea. By the desire of her grace he was in the room when the issue of the marriage was born, and once saw the child. He was sent for by Mr. Hervey soon after his return from sea, and desired by him to wait upon the lady with proposals for procuring a divorce, which he accordingly did, when her grace declared herself absolutely determined against listening to such terms; and he knew that many messages passed on the subject. Her grace some time after informed him, at his own house, that she had instituted a jactitation suit against Mr. Hervey, in Doctors' Commons.

*Judith Phillips* being called, swore, that she was the widow of the reverend Mr. Ames; that she remembered when her late husband performed the marriage ceremony between Mr. Hervey and the prisoner, that she was not present, but derived her information from her husband; that some time after the marriage, the lady desired her to prevail on her husband to grant a certificate, which she said she believed her husband would not refuse; that Mr. Merrill, who accompanied the lady, advised her to consult

his attorney from Worcester ; that, in compliance with the attorney's advice, a register book was purchased, and the marriage inserted therein, with some late burials in the parish.

The book was here produced, and the witness swore to the writing of her late husband.

The writing of the reverend Mr. Ames was proved by the reverend Mr. Inchin, and the reverend Mr. Dennis ; and the entry of a caveat to the duke's will was proved by a clerk from Doctors' Commons.

Monday, the 22d of April, after the attorney-general had declared the evidence in behalf of the prosecution to be concluded, the lord high steward called upon the prisoner for her defence, which she read ; and the following are the most material arguments it contained, to invalidate the evidence adduced by the prosecutor :

" She appealed to the Searcher of all hearts, that she never considered herself as legally married to Mr. Hervey ; she said that she considered herself as a single woman, and as such was addressed by the late duke of Kingston ; that, influenced by a legitimate attachment to his grace, she instituted a suit in the ecclesiastical court, where her supposed marriage with Mr. Hervey was declared null and void ; but anxious for every conscientious as well as legal sanction, she submitted an authentic state of her case to the archbishop of Canterbury, who in the most decisive and unreserved manner, declared that she was at liberty to marry, and afterwards granted, and delivered to doctor Collier, a special license for her marriage with the late duke of Kingston. She said that, on her marriage, she experienced every mark of gracious esteem from their majesties, and her late royal mistress, the princess dowager of Wales, and was publicly recognized as duchess of Kingston."

The lord high steward addressed himself to the court, saying, that their lordships had heard the evidence on both sides, and that the importance and solemnity of the occasion required that they should severally pronounce their opinions in the absence of the prisoner, observing that the junior baron was to speak first.—Their lordships declared the prisoner to be guilty.

Proclamation being made for the usher of the black-rod to bring the prisoner to the bar, she no sooner appeared than the lord high steward informed her that the lords had maturely considered the evidence adduced against her, and likewise all that had been advanced in her favour, and had pronounced her *guilty*.

of the felony for which she was indicted. He then requested whether she had any thing to urge against judgment being pronounced.

Hereupon the lady delivered a paper, containing the following words, to be read by the clerk:—*I plead the privilege of the Peerage.*

After this the lord high steward informed her grace, that the lords had considered the plea, and agreed to allow it; adding words to this effect, *Madam, you will be discharged on paying the usual fees.*

The lady appeared to be perfectly composed during her long and important trial; but when sentence was pronounced she fainted, and was carried out of court. This took place on the 22d of April, 1776. The duchess afterwards resided on the continent, and about twenty years after, died in Russia.

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### REV. WILLIAM DODD, D. D.

FOR FORGERY, 1777.

WILLIAM DODD, doctor of divinity, prebendary of Brecon, and chaplain in ordinary to his majesty, was the promoter of many charities, and the founder of some, particularly the Magdalén Hospital, the Society for the relief of Poor Debtors, and that for recovery of persons apparently drowned. Being in want of cash to pay his tradesmen's bills, and having been preceptor to the Earl of Chesterfield, he pretended that his lordship had an urgent occasion to borrow 4200l. but did not choose to be his own agent, and begged that the matter might be secretly and expeditiously conducted. The doctor employed Mr. Robertson, a broker, to whom he presented a bond not filled up or signed, that he might find a person who would advance the requisite sum to a young nobleman who had lately come of age. After applying to several persons who refused the business, because they were not to be present when the bond was executed, Mr. Robertson, absolutely confiding in the doctor's honour, applied to Messrs. Fletcher and Peach, who agreed to lend the money. Mr. Robert-

son returned the bond to the doctor in order to its being executed ; and on the following day the doctor produced it as executed, and witnessed by himself. Mr. Robertson, knowing Mr. Fletcher to be a particular man, and who would consequently object to one subscribing witness only, put his name under the doctor's. He then went and received the money, which he paid into the hands of Dr. Dodd, 3090l. in notes of Sir Charles Raymond and Co. the remaining 1200l. in bank-notes. The money being thus obtained, the doctor gave Mr. Robertson 100l. for his trouble, and paid some of his own debts with a part of the remainder.

It appears that the doctor intended to replace the money and pay off the bond, in a short time, without the knowledge of any person but the broker, and the gentlemen of whom the money had been borrowed. It happened, however, that the bond being left with Mr. Manly, (attorney for Messrs. Fletcher and Peach) he observed, in the writing of the condition, a remarkable blot in the first letter E, in the word SEVEN, which did not seem to be the effect of chance, but done with design. He thought it remarkable, but did not suspect a forgery ; yet he shewed Mr. Fletcher the bond and blot, and advised him to have a clean bond filled up and carried to Lord Chesterfield for execution. Mr. Fletcher consented ; and Mr. Manly went the next day to his lordship, who, having previous notice of the intended business, asked him if he had called about the bond. Mr. Manly said he had ; and his lordship answered, I have burnt the bond. This appeared very extraordinary, but was soon explained by Lord Chesterfield's saying, he thought the gentleman called about a bond for 500l. which he had given some years before, and had taken up and burnt. When Mr. Manly produced the bond in question, Lord Chesterfield was surprised and immediately disowned it. Upon this Mr. Manly went directly to Mr. Fletcher to consult what steps to take. Mr. Fletcher, a Mr. Innes, and Mr. Manly, went to Guildhall to prefer an information respecting the forgery, against the broker and Dr. Dodd. Mr. Robertson was taken into custody, and with Fletcher, Innes, Manly, and two of the Lord Mayor's officers, went to the house of the doctor in Argyle-street.

They opened the business, and the doctor was very much struck and affected. Manly told him, if he would return the money, it would be the only means of saving him. He instantly returned six notes of 500l. each, making 3000l. he drew on his banker for 500l. the broker returned 100l. and the doctor gave a second draft on his banker for 200l. and a judgment on his goods for the remaining 400l. which judgment was immediately carried into execution. All this was done by the doctor in full reliance on the honour of the parties, that the bond should be returned to him cancelled; but notwithstanding this restitution, he was taken before the lord mayor, and charged as above mentioned. The doctor declared he had no intention to defraud Lord Chesterfield, or the gentlemen who advanced the money. He hoped that the satisfaction he had made, in returning the money, would atone for his offence. He was pressed, he said, exceedingly for 300l. to pay some bills due to tradesmen. He took this step as a temporary resource, and would have paid it in half a year My Lord Chesterfield, added he, cannot but have some tenderness for me, as my pupil. I love him, and he knows it. There is nobody wishes to prosecute. I am sure my Lord Chesterfield don't want my life—I hope he will show clemency to me. Mercy should triumph over justice. Clemency, however, was denied; and the doctor was committed to the Compter, in preparation for his trial. On the 19th of February, Dr. Dodd being put to the bar at the Old Bailey, addressed the court in the following words.

" **MY LORDS,**

" I am informed that the bill of indictment against me has been found on the evidence of Mr. Robertson, who was taken out of Newgate without any authority or leave from your lordships, for the purpose of procuring the bill to be found. Mr. Robertson is a subscribing witness to the bond, and, as I conceive, would be swearing to exculpate himself, if he should be admitted as a witness against me; and as the bill has been found upon his evidence, which was surreptitiously obtained, I submit to your lordships that I ought not to be compelled to plead on this indictment; and upon this question I beg to be heard by my counsel. My lords, I beg leave also further to observe to your lordships, that the gentlemen on the other side of the question are bound over to prosecute Mr. Robertson."

Previous to the arguments of the counsel, an order, which had been surreptitiously obtained from an officer of the court, dated Wednesday, Feb. 19th, and directed to the keeper of Newgate, commanding him to carry Lewis Robertson to Hicks's-Hall, in order to give evidence before the grand inquest on the present bill of indictment; likewise a resolution of the court, reprobating the said order; and also the recognizance, entered into by Mr. Manly, Mr. Peach, Mr. Innes, and the right hon. the Earl of Chesterfield, to prosecute and give evidence against Dr. Dodd and Lewis Robertson, for the said forgery, were ordered to be read; and the clerk of the arraigns was directed to inform the court whether the name Lewis Robertson was indorsed as a witness on the back of the indictment, which was answered in the affirmative. The counsel now proceeded in their arguments for and against the prisoner. Mr. Howarth, one of Dr. Dodd's advocates, contended that not any person ought to plead or answer to an indictment, if it appeared upon the face of that indictment that the evidence upon which the bill was found was not legal, or competent to have been adduced before the grand jury. Mr. Cooper, counsel on the same side, followed this idea, and hoped that Dr. Dodd might not be called on to plead to the bill of indictment, and that the bill might be quashed. Mr. Buller likewise argued, as follows, on the same side:—

“ **MY LORDS,**

“ It is the established law of this land, that no man shall be put upon his trial for any offence, unless there be a bill first properly found by a grand jury: I say properly found; for if there be any objection whatsoever to the finding the indictment; and the most familiar that are to be found in our books are those that go to the objection of the grand jury; for instance, where only one person of the grand jury has been incompetent—where only eleven of the jury have found the bill, that therefore it shall not be tried. I take it, the objections go universally. I am aware that the objections I have been alluding to, and which are particularly stated in Lord Hale, go to the grand jury only; but I will beg leave to consider, whether the reason that governs the one does not govern the other. Another case put by my Lord Hale is this: if one of the grand jury is outlawed, these objections go to the persons of the grand jury. I am aware that that is not the present objection; but I will beg leave, with your lordships' permission, to consider whether this does not fall within the same reason; for I cannot conceive that the law,

which is so peculiarly watchful over the personal qualifications of the grand jury, should not be equally attentive to the evidence which is laid before them, and upon which they are to decide the fate of the bill which is offered to their consideration. I take it to be as essential to the finding of the bill, that the evidence offered to the grand jury should be such as the law allows, as it is when the indictment afterwards comes to be tried before your lordships; and if that rule holds, I trust I shall have very little difficulty in convincing your lordships that this bill has been improperly found. My lords, the prosecutor has thought it so material to admit Mr. Robertson a witness in this case, that though, in my humble apprehension, he stands in a much more criminal light than the prisoner at the bar, yet they have thought fit to bargain with him, to let him off from a capital felony of the most dangerous sort to society—the most peculiarly so, from his situation in life, of any man that can be charged with such an offence. Mr. Robertson stands in this business as a sworn broker of the city of London: as such it was his peculiar duty to preserve good faith between man and man: he is bargained with by the prosecutor to be let off in a case where he stands upon the appearance against him, now as the most criminal, for the purpose of procuring evidence against the prisoner at the bar. My Lords, if that evidence be improper, there remains but one thing more to be enquired into: that is, whether your lordships can say that that evidence has not had an improper effect, when it was admitted before the grand jury. It is not improbable that the bill might be found wholly upon his evidence: if I have a right to assume that as a fact, because the prosecutor has thought it material and absolutely necessary to produce him before the grand jury, why, then, your lordships sitting here cannot say but this indictment may have been found upon his evidence only: if it be so, is Robertson a person whose evidence ought to have been received? If I am right in saying that the same evidence, and the same evidence only, is legal before a grand jury, which is legal upon a trial, I apprehend the case which was mentioned yesterday in Lord Hale, folio 303, is decisive upon this point. My Lords, there are more passages in that folio book. The first was the case mentioned yesterday of Henry Trew, indicted for a burglary, and (by the advice of Keeling, chief justice; Brown, justice; and Wilde, recorder) Perrin was sworn a witness against Trew, as to the burglary, which he confessed, but was not indicted for the other felony. Here he was admitted, because he confessed himself guilty. The passage before that in Lord Hale seems to me still stronger: If two defendants be charged with a crime, one shall not be examined against the other to convict him of an offence, unless the party examined confess himself guilty. Now, has Robertson confessed himself guilty?—No, he has not; then there is an express authority, by Lord Hale, that not having done it, he is no witness; he does not stand in that predicament which Lord Hale states the man to be there. He says, that they were both charged with the crime; that is the case here; the prisoner and Robertson were both committed for the same crime; he stands now charged with that crime, and he has not pleaded guilty: therefore, upon this authority I take it to be clear, that he cannot be admitted a witness.

upon the trial ; and if not, I must leave it to the ingenuity of the learned counsel to shew why a man, who the law says shall not be a witness upon the trial, shall be admitted a witness to find the bill upon, against a man whom there is no other evidence to affect."

Mr. Mansfield, and the other counsel employed for the prosecution, replied to these arguments with equal ingenuity and professional knowledge. It was now agreed on, that the trial should be proceeded in ; and that the question respecting the competency of Robertson's evidence, be reserved for the opinion of the twelve judges. Hereupon Dr. Dodd was indicted for forging a bond for the payment of 4200*l.* with intent to defraud, &c. and the facts already stated were sworn to by the respective witnesses. When the evidence was gone through, the court called upon the doctor for his defence, which was as follows :—

" **MY LORDS AND GENTLEMEN OF THE JURY,**

" Upon the evidence which has been this day produced against me, I find it very difficult to address your lordships : there is no man in the world who has a deeper sense of the heinous nature of the crime for which I stand indicted than myself. I view it, my lords, in all its extent of malignancy towards a commercial state like ours ; but, my lords, I humbly apprehend, though no lawyer, that the moral turpitude and malignancy of the crime always, both in the eye of the law, of reason, and of religion, consists in the intention. I am informed, my lords, that the act of parliament on this head runs perpetually in this style, *with an intention to defraud.* Such an intention, my lords and gentlemen of the jury, I believe, has not been attempted to be proved upon me, and the consequences that have happened, which have appeared before you, sufficiently prove that a perfect and ample restitution has been made. I leave it, my lords, to you, and the gentlemen of the jury, to consider, that if an unhappy man ever deviates from the law of right, yet, if in the single first moment of recollection he does all he can to make a full and perfect amends, what, my lords, and gentlemen of the jury, can God and man desire further ? My lords, there are a variety of little circumstances too tedious to trouble you with, with respect to this matter. Were I to give a loose to my feelings I have many things to say which I am sure you would feel with respect to me : but, my lords, as it appears on all hands, as it appears, gentlemen of the jury, in every view, that no injury, intention or real, has been done to any man upon the face of the earth, I hope that therefore you will consider the case in its true state of clemency. I must observe to your lordships, that though I have met with all candour in this court, yet I have been pursued with excessive cruelty ; I have been prosecuted after the most express engagements, after the most solemn assurances, after the most delusive soothing arguments of Mr.

Manly; I have been prosecuted with a cruelty scarcely to be paralleled: a person, avowedly criminal in the same indictment with myself, has been brought forth as a capital witness against me; a fact, I believe, totally unexampled. My lords, oppressed as I am with infamy, loaded as I am with distress, sunk under this cruel prosecution, your lordships and the gentlemen of the jury, cannot think life a matter of any value to me: no, my lords, I solemnly protest that death, of all blessings, would be the most pleasant to me after this pain. I have yet, my lords, ties which call upon me; ties which render me desirous even to continue this miserable existence:—I have a wife, my lords, who for twenty-seven years has lived an unparalleled example of conjugal attachment and fidelity, and whose behaviour during this trying scene would draw tears of approbation, I am sure, even from the most inhuman. My lords, I have creditors, honest men, who will lose much by my death: I hope, for the sake of justice towards them, some mercy will be shewn to me. If, upon the whole, these considerations at all avail with you, my lords, and you gentlemen of the jury; if, upon the most impartial survey of the matters, not the slightest intention of injury can appear to any one; and I solemnly declare it was in my power to replace it in three months; of this I assured Mr. Robertson frequently; and had his solemn assurances that no man should be privy to it but Mr. Fletcher and himself, and if no injury was done to any man upon earth; I then hope, I trust, I fully confide myself in the tenderness, humanity, and protection of my country."

The jury retired for about ten minutes, and then returned with a verdict, that the prisoner was Guilty; but at the same time presented a petition, humbly recommending the doctor to the royal mercy. On the first day of the sessions held at the Old Bailey in May, Dr. Dodd, being put to the bar, was addressed by Mr. Justice Aston in the following terms:—

“ DR. WILLIAM DODD,

“ When you was brought up in last February sessions to plead to an indictment found by the grand jury of Middlesex for forgery, before you pleaded, or the trial was proceeded upon, a question was submitted to the court by you, with the advice of your counsel, which was reserved for the opinion of the judges: that is, whether you was bound to plead to, and ought to be tried upon that indictment, as the name of Lewis Robertson, committed for the same forgery, appeared to be indorsed as a witness upon the bill of indictment, and that he had been taken before the grand jury to be examined as a witness, by means of an order directed to the keeper of Newgate, which had been improperly obtained, on the 19th of February, and which was afterwards vacated by the court.

“ The judges have met, and have fully considered the whole matter of this objection; and they are unanimously of opinion that the necessity of some proper authority to carry a witness

who happened to be in custody before the grand jury to give evidence, regards the justification of the gaoler only; but that no objection lies upon that account in the mouth of the party indicted, for in respect of him the finding of the bill is right, and according to law.

"The judges, therefore, are of opinion, that the proceedings upon that indictment against you are legally had, and that you was thereupon duly convicted according to law. Of this opinion I thought it most proper thus early to apprise you, that you may be prepared for the consequence of it at the close of the sessions.

To this address Dr. Dodd replied in the following terms :—

"**MY LORD,**

"I humbly thank your lordship, and the rest of the learned judges, for the consideration you have been pleased to give to the objections made by my counsel on that awful day of my trial; and I rest fully satisfied, my lord, in the justice of your lordships' opinion."

On the last day of the sessions Dr. Dodd was again put to the bar, when the clerk of the arraigns said,—  
"Dr. William Dodd, you stand convicted of forgery—what have you to say why this court should not give you judgment to die according to law?"

Hereupon Dr. Dodd addressed the court in the following terms :—

"**MY LORD,**

"I now stand before you a dreadful example of human infirmity. I entered upon public life with the expectations common to young men whose education has been liberal, and whose abilities have been flattered; and when I became a clergyman I considered myself as not impairing the dignity of the order. I was not an idle, nor, I hope, an useless minister; I taught the truths of christianity with the zeal of conviction, and the authority of innocence. My labours were approved—my pulpit became popular; and, I have reason to believe, that of those who heard me some have been preserved from sin, and some have been reclaimed.—Condescend, my lord, to think if these considerations aggravate my crime, how much they must embitter my punishment!

"Being distinguished and elevated by the confidence of mankind, I had too much confidence in myself, and thinking my integrity, what others thought it, established in sincerity and fortified by religion, I did not consider the danger of vanity, nor suspect the deceitfulness of my own heart. The day of conflict came, in which temptation seized and overwhelmed me! I committed the crime, which I entreat your lordships to believe that my conscience hourly represents to me in its full bulk of mischief and malignity. Many have been overpowered by temptation who are now among the penitent in heaven!

"To an act now waiting the decision of vindictive justice I

will not presume to oppose the counterbalance of nearly thirty years (a great part of the life of man) passed in exciting and exercising charity—in relieving such distresses I now feel—in administering those consolations which I now want. I will not otherwise extenuate my offence than by declaring, what I hope will appear to many, and what many circumstances make probable, that I did not intend finally to defraud: nor will it become me to apportion my own punishment, by alleging that my sufferings have been not much less than my guilt. I have fallen from reputation, which ought to have made me cautious, and from a fortune, which ought to have given me content. I am sunk at once into poverty and scorn: my name and my crime fill the ballads in the streets; the sport of the thoughtless and the triumph of the wicked.

It may seem strange, my lord, that, remembering what I have lately been, I should still wish to continue what I am: but contempt of death, how speciously soever it may mingle with heathen virtues, has nothing in it suitable to christian penitence.

" Many motives impel me to beg earnestly for life. I feel the natural horrors of a violent death, the universal dread of untimely dissolution. I am desirous to recompense the injury I have done to the clergy, to the world, and to religion, and to efface the scandal of my crime by the example of my repentance: but, above all, I wish to die with thoughts more composed and calmer preparation.

" The gloom and confusion of a prison, the anxiety of a trial, the horrors of suspense, and the inevitable vicissitudes of passion, leave not the mind in a due disposition for the holy exercises of prayer and self examination. Let not a little life be denied me, in which I may, by meditation and contrition, prepare myself to stand at the tribunal of Omnipotence, and support the presence of that Judge, who shall distribute to all according to their works—who will receive and pardon the repenting sinner, and from whom the merciful shall obtain mercy!

" For these reasons, my lords, amidst shame and misery I yet wish to live; and most humbly implore that I may be recommended by your lordship to the clemency of his majesty."

The recorder now proceeded to pass sentence in the following terms:—

**" DR. WILLIAM DODD,"**

" You have been convicted of the offence of publishing a forged and counterfeit bond, knowing it to be forged and counterfeit; and you have had the advantage which the laws of this country afford to every man in that situation, a fair, an impartial, and an attentive trial. The jury, to whose justice you appealed, have found you guilty; their verdict has undergone the consideration of the learned judges, and they found no ground to impeach the justice of that verdict; you yourself have admitted the justice of it; and now the very painful duty, that the necessity of the law imposes upon the court, to pronounce the sentence of that law against you, remains only to be performed.

" You appear to entertain a very proper sense of the enor-

mity of the offence which you have committed ; you appear to be in a state of contrition of mind, and I doubt not have duly reflected how far the dangerous tendency of the offence you have been guilty of is increased by the influence of example, in being committed by a person of your character, and of the sacred function of which you are a member. These sentiments seem to be yours : I would wish to cultivate such sentiments ; but I would not wish to add to the anguish of a person in your situation by dwelling upon it.

Your application for mercy must be made elsewhere ; it would be cruel in the court to flatter you ; there is a power of dispensing mercy, where you may apply. Your own good sense and the contrition you express will induce you to lessen the influence of the example, by publishing your hearty and sincere detestation of the offence of which you are convicted ; and that you will not attempt to palliate or extenuate, which would indeed add to the degree of the influence of a crime of this kind being committed by a person of your character and known abilities ; I would therefore warn you against any thing of that kind. Now, having said this, I am obliged to pronounce the sentence of the law, which is —That you, Dr. William Dodd, be carried from hence to the place from whence you came ; that from thence you are to be carried to the place of execution, where you are to be hanged by the neck until you are dead.

To this Dr. Dodd replied, Lord Jesus, receive my soul !

The exertions now made to save Dr. Dodd were perhaps beyond all example in any country. The newspapers were filled with letters and paragraphs in his favour. Individuals of all ranks and degrees exerted themselves in his behalf : parish officers went in mourning from house to house, to procure subscriptions to a petition to the king : and this petition, which, with the names, filled twenty-three sheets of parchment, was actually presented. Even the lord mayor and common council went in a body to St. James's to solicit mercy for the convict. As clemency, however, had been denied to the unfortunate Perreaus, it was deemed unadvisable to extend it to Dr. Dodd : it having been observed to his majesty, that if Dr. Dodd was pardoned, the Perreaus were murdered. This unhappy clergyman was attended to the place of execution, in a mourning coach, by the Rev. Mr. Vilette, ordinary of Newgate, and the Rev. Mr. Dobey.—Another criminal, named Joseph Harris, was executed at the same time. It is impossible to give an idea of the immense crowds of people that thronged the streets from Newgate to Tyburn. When the prisoners

arrived at the fatal tree, and were placed in the cart, Dr. Dodd exhorted his fellow-sufferer in so generous a manner as testified that he had not forgotten the duty of a clergyman. He was also very fervent in the exercise of his own devotions. Just before the parties were turned off the doctor whispered to the executioner. What he said was not ascertained ; but it was observed that the man had no sooner driven away the cart than he ran immediately under the gibbet, and took hold of the doctor's legs, as if to steady the body : the unhappy man appeared to die without pain ; but the groans, prayers, and tears of thousands attended his departure. He suffered on the 27th of June, 1777.

A more violent stretch of law never characterized any jurisprudence : no capital crime was committed with an intention to defraud ; and to assert that such intention existed is a manifest absurdity.

After his conviction, Dr. Dodd wrote a pathetic address to his fellow prisoners, from which the following is an extract :

" There is always," says the doctor, " a danger lest men, fresh from a trial in which life has been lost, should remember with resentment and malignity the prosecutor, the witnesses, or the judges. It is scarcely possible, with all the prejudices of an interest so weighty, and so affecting, that the convict should think otherwise than that he has been treated, in some part of the process, with unnecessary severity. In this opinion he is perhaps singular, and therefore probably mistaken : but there is no time for disquisition ; we must try to find the shortest way to peace. It is easier to forgive than to reason right. He that has been injuriously or unnecessarily harassed, has one opportunity more of proving his sincerity, by forgiving the wrong, and praying for his enemy.

" It is the duty of a penitent to repair, as far as he has the power, the injury he has done. What we can do is commonly nothing more than to leave the world an example of contrition. On the dreadful day, when the sentence of the law has its full force, some will be found to have affected a shameless bravery, or negligent intrepidity. Such is not the proper behaviour of a convicted criminal. To rejoice in tortures is the privilege of a martyr ; to meet death with intrepidity is the right only of innocence, if in any human being innocence could be found. Of him whose life is shortened by his crimes, the last duties are humility and self-abasement. We owe to God sincere repentance ; we owe to man the appearance of repentance. Men have died with a stedfast denial of crimes, of which it is very difficult to suppose them

innocent. By what equivocation or reserve they may have reconciled their consciences to falsehood, it is impossible to know; but if they thought that, when they were to die, they paid their legal forfeit, and that the world had no further demand upon them; that therefore they might, by keeping their own secrets, try to leave behind them a disputable reputation; and that the falsehood was harmless, because none were injured; they had very little considered the nature of society. One of the principal parts of national felicity arises from a wise and impartial administration of justice. Every man reposes upon the tribunals of his country the stability of possession, and the serenity of life. He, therefore, who unjustly exposes the courts of judicature to suspicion, either of partiality or error, not only does an injury to those who dispense the laws, but diminishes the public confidence in the laws themselves, and shakes the foundation of public tranquillity. For my own part, I confess, with the deepest compunction, the crime which has brought me to this place; and admit the justice of my sentence, while I am sinking under its severity."

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JAMES HILL,  
FOR ARSON.

ABOUT four o'clock in the afternoon of the 7th of December, 1776, a fire broke out in the rope-house of Portsmouth dock, which entirely consumed that building. The fire was wholly attributed to accident; but on the 15th of January the following discovery was made, which incontestably proved that the building had been destroyed by design.

Three men being employed in the hemp-house, found a tin machine, somewhat resembling a tea-canister, and near the same spot a wooden box, containing various kinds of combustibles. This circumstance being communicated to the commissioner of the dock, and circulated among the public, several vague and indefinite suspicions fell upon an American who had been lurking about the dock-yard, whose surname was not known, but who had been distinguished by the appellation of *John the Painter*, and had been a journeyman to Mr. Golding, a painter at Tichfield.

In consequence of advertisements in the newspapers offering a reward of 50l. for apprehending John the Painter, he was secured at Odiham. On the 7th of

February the prisoner was examined at Sir John Fielding's office in Bow Street, where John Baldwyn, who had exercised the trade of a painter in different parts of America, attended by the direction of Lord Temple, who imagined the parties might know each other. Baldwyn declared he had not the least knowledge of the prisoner, who then bowed to him, and soon after requested that he would favour him with a visit in New-prison. Baldwyn attended him in the afternoon, and on the following days till the 15th, and their conversations were on general subjects relating to the affairs in America; but on the 15th, and subsequent days till the 24th, the prisoner's discourse with Baldwyn operated very materially towards his conviction, as it was brought in corroboration of a variety of evidence on trial.

He asked Baldwyn whether he was acquainted with Mr. Dean, and, being answered in the negative, exclaimed, What not Mr. Dean, Silas Dean, employed by the Congress? He is a fine fellow. I believe Benjamin Franklin is employed on the same errand. He said he had taken a view of most of the dock-yards and fortifications about England, the number of ships in the navy, and observed their weight of metal and their number of men, and had been to France two or three times to inform Silas Dean of his discoveries; and that Dean gave him bills to the amount of 300l., and letters of recommendation to a merchant in the city, which he had burnt lest they should lead to a discovery. He informed Baldwyn that he instructed a tinman's apprentice at Canterbury to make him a tin canister, which he carried to Portsmouth, where he hired a lodging at one Mrs. Boxall's, and tried his preparations for setting fire to the dock yard.

After recounting the manner of preparing matches and combustibles, he said that on the 6th of the preceding December he got into the hemp house, and having placed a candle in a wooden box and a tin canister over it, and sprinkled turpentine over some of the hemp, he proceeded to the rope-house, where he placed a bottle of turpentine among a quantity of loose hemp, which he sprinkled with turpentine, and having laid matches, made of paper painted over with

powdered charcoal and gunpowder diluted with water, and other combustibles about the place, he returned to his lodgings. The next day he hired lodgings in two other houses, to which he intended to set fire, that the engines might not all be employed together in quenching the conflagration at the dock. On this day he went again to the hemp-house, intending to set it on fire, which he however was unable to effect, owing to a halfpenny worth of common house matches that he had bought not being sufficiently dry. This disappointment, he said, rendered him exceedingly uneasy, and that he went from the hemp-house to the rope-house and set fire to the matches he had placed there. He said his uneasiness was increased because he could not return to the lodging where he had left a bundle containing an Ovid's Metamorphoses, a Treatise on War and making Fireworks, a Justin, a pistol, and a French passport, in which his real name was inserted.

When he had set fire to the rope-house he proceeded towards London, deeply regretting his failure in attempting to fire the other building, and was strongly inclined to fire into the windows of the woman who had sold him the matches. He jumped into a cart, and gave the woman who drove it sixpence to induce her to drive quick; and, when he had passed the sentinels, observed the fire to have made so rapid a progress that the elements seemed in a blaze. About ten the next morning he arrived at Kingston, where he remained till the dusk of the evening, and proceeded to London in the stage.

Soon after his arrival he waited upon the gentleman in the city, and informed him of having been under the necessity of burning the bills upon, and letters to him from Silas Dean. The gentleman behaved to him with shyness, but appointed to meet him at a coffee-house. At the coffee-house the gentleman seemed to be doubtful as to the story told by Hill, who therefore went away displeased, and as soon as he reached Hammersmith wrote to the merchant, saying he was going to Bristol, and that the handy works he meant to perform there would be soon known to the public.

Soon after his arriyal at Bristol he set fire to several

houses, which were all burning with great rapidity at one time, and the flames were not extinguished till damage was sustained to the amount of fifteen thousand pounds. He also set fire to combustibles that he had placed upon the quay, but happily without effect. He related to Baldwyn a great number of other circumstances, which were confirmed by a variety of evidence on the trial.

*James Russel* produced a tin case and a wooden box made to fit each other, containing combustibles, which he swore he found in the hemp-house at Portsmouth.

*William Tench*, apprentice to a tinman at Canterbury, deposed, that about a month or six weeks before Christmas he made the tin case produced by Russel, by the order and under the immediate inspection of the prisoner.

*Elizabeth Boxall* swore that the prisoner lodged at her house on the night preceding that on which the fire happened, and that in the morning she perceived a violent smell of sulphur, and going into the prisoner's room complained that she was fearful he would set fire to her house; that he left a bundle, which she opened and found to contain a tin-case; and being shewn the canister produced by Russel, she believed it to be the same.

*Mrs. Cole* swore that the prisoner took a lodgings at her house, and left there a bundle containing some books and other things, which she delivered to Mr. Jeffreys, clerk to the commissioner of the dock.

*John Fisher*, servant to Mr. Tuck, tinman at Canterbury, deposed that about six or seven weeks before Christmas the prisoner came to his master's shop and gave orders for two tin-cases, but that, not being finished at the time he had appointed to call for them, they were left on his master's hands. Fisher produced one of the cases, which was found to correspond with that found in the hemp-house.

*William Baldy* and *William Weston* swore, that they saw and conversed with the prisoner in the hemp-house at Portsmouth on the 7th of December.

*John Dobby*, who apprehended the prisoner, declared that he found in his custody the following arti-

cles: a snuff-box containing tinder, a small powder-horn with gunpowder, a striking tinder-box primed, a phial half full of spirits of turpentine, a parcel of matches, and some other things not of a suspicious nature.

*Thomas Mason*, a painter near Bristol, swore that the day after Christmas-day the prisoner came to his house, and asked leave to grind a small quantity of charcoal; that he directed him to his colour-stone, on which he worked about two hours in grinding a piece of charcoal about the size of two of his fingers.

The judge then summed up the evidence in the most clear, circumstantial, and candid manner; and the jury pronounced him guilty; in consequence of which the judge addressed him in a manner truly pathetic, reminding him of the shocking enormity of his crime, which was of such a nature as would not admit the possibility of his sentence being reversed, and exhorting him to exert his utmost endeavours that the eternity he was to enter upon in a few days might prove an eternity of bliss instead of misery. The prisoner said he entertained no hopes of pardon, but was willing to die, more so than to live.

He was tried at Winchester Castle on Thursday the 6th of March, 1777, and executed at Portsmouth on the 10th of March.

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HENRY JONES, OTHERWISE OWEN,

FRANCIS PHOENIX, OTHERWISE FINIKIN, AND

CHARLES BURTON,

FOR BURGLARY, 1772.

THIS daring robbery was committed in the house of Sir Robert Ladbrooke, an alderman and banker, in the city of London. On the night of the 20th of December, 1771, they wrenched open the doors with iron crow-bars, and though the whole family, and five men servants were in the house, effected their purpose, and escaped undiscovered.

The articles stolen, were

	£	s.
Sir Robert's gold chain, the insignia of his office - as alderman of London, worth	100	0
An alderman's wife's gold chain	80	0
Several pieces of plate	100	0
A coronation medal, a broad 25s. piece, a guinea of the coin of Oliver Cromwell, a ditto of Geo. I. and other pieces	40	0
In old crown pieces, about	15	0
Two gold snuff boxes	20	0
A brilliant breast-buckle	25	0
A diamond hoop-ring	20	0
A pair of valuable Moco studs	10	0
A pair of cluster-stone-buttons	10	0
And other articles at a small computation	30	0
Total £500	0	

The robbers finding this large booty in the apartment they first broke open, appeared to have been satisfied, for they searched no other part of the house. A silver-hilted sword, which hung in the room, was not carried off, though it was taken down and laid upon a chair.

Though Sir Robert and his whole family slept so sound as not to hear what was going on below them, a gentleman living at the next house was alarmed by the noise, from the wrenching open of a door, and breaking into a house. He sprung out of bed, seized a blunderbuss, and threw open his window. Observing a watchman stand on the other side of the way, he asked him if he had not heard a disturbance. The treacherous guardian of the night answered, that it was nothing but the wind, for every thing was safe in that quarter. The gentleman then asked him why he did not cry the hour, as the clock had some time struck; to which the watchman replied, that he had called it, and, on being contradicted, went surlily away.

A short time after this, another watchman, in passing, saw that Sir Robert Ladbroke's house had been broken open, and immediately gave the alarm, but the robbers had decamped. In the morning the first watchman was sent for, but he was no where to be found; and there could be no doubt that the robbery was effected by his wicked connivance.

The thieves melted the golden articles; and on their

trial a dispute arose between Sir Robert Ladbroke, about them, which had been cast into an ingot, and Mr. Cox, the purchaser. The latter urged, that he had bought it in the face of day, in an open shop, and at a fair price ; while Sir Robert insisted on a prior claim, of which he had been violently deprived. The court were inclined in favour of Sir Robert, who, finding this, offered it as a *favour* to Mr. Cox : but he disclaimed all favour, maintained his *right* to the ingot, and put it into his pocket.

They were carried to Tyburn, and executed at the same time as several other malefactors, according to the wholesale fashion of that period.

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### JOHN HARRISON,

#### FOR FORGERY.

JOHN HARRISON was brought up in a merchant's counting-house, and after the expiration of his apprenticeship, he carried on an extensive trade ; but failing in business, he engaged himself as clerk to Mr. Smeeton, previous to that gentleman's undertaking to construct the Eddystone light-house, and was intrusted with the care and management of all the money employed in that important work. His conduct under Mr. Smeeton was in every respect unexceptionable, and through the interest of that gentleman, and other respectable characters, he became accomptant to the London Assurance Corporation. It was his misfortune to be acquainted with a Mr. Angus Mackey, a merchant in the city, in an extensive way of trade, who, by urgent solicitations, prevailed upon this unsuspecting and good-natured man to lend him several sums belonging to the company, solemnly promising to return the money before he would have occasion to make up his accounts. When the appointed time for payment arrived, instead of returning what he had already got, Mackey urged Harrison for a further supply, assuring him that he was in daily expectation of remittances, on the receipt of which he would return the whole sum ; adding that, if he met with a refusal he must inevitably stop payment, which would neces-

sarily occasion an exposure of Harrison's violation of the trust reposed in him by the company. In this manner was the unfortunate man amused for several months, during which time he supplied Mackey with different sums, amounting in the whole to  $7550l.$  and to prevent detection, he inserted figures in the book containing the account between the Bank of England and the London Assurance Company, so that the bank appeared to be debtor for seven thousand five hundred and fifty pounds more than had been paid there. He sent a clerk with  $210l.$  to the bank ; and when the book was returned to him, he put a figure of 3 before the 2, which made the sum appear  $3000l.$  more than was really paid ; and similar alterations were made in other parts of the book. A committee of the company being appointed to meet on Wednesday the 9th of July, 1777, Mr. Harrison informed Mackey, that he must be utterly ruined unless the deficiency was made good before that day ; but, notwithstanding the life and reputation of his generous, but imprudent friend, were at stake, he neglected to return the money. About eleven o'clock in the forenoon of the day on which the committee was to be held, Harrison placed several account-books on the table of the committee-room, and had some conversation with Alexander Aubert, Esq. the deputy governor. When the committee was about to be opened, Harrison absconded ; and, in about ten minutes after, the following letter was received by Mr. George Hall, secretary to the company :

" Dear sir,

" I am distressed beyond expression, having forfeited every thing that is dear to me, by an act of kindness to a friend who has deceived me : inclosed is a state of my account with the company, which tortures my very soul to think of it. I know the company will not forgive me, therefore don't care what becomes of me, as I dare not see them any more. God Almighty knows what will become of me, or where I shall fly for succour : indeed, Mr. Hall, I am one of the most miserable wretches living, but I have betrayed my trust, for which I never can forgive myself. When I parted with the money, it was but for a few days, or I would sooner have died than have parted with it ; but, alas ! I shall now severely pay for suffering myself to be drawn in to serve a friend, who knew it was not my own, and saw the distress of mind it cost me when I did it. Please to present my humble duty to the

gentlemen ; tell them I can't meet any death after this, sooner than I can see them again, and am determined not to survive the shame : I am, dear sir, a lost, unhappy being ; I am so bewildered, that I scarce know what I am doing, but believe the enclosed account is not right, as I don't recollect that I am any way short of cash ; but in truth I am not myself.

“ J. H.”

When Harrison absconded, he left upwards of one thousand nine hundred pounds in his desk, and among his papers were found securities on behalf of the company to a great amount, besides a bond given to him by Mackey, for seven thousand five hundred and fifty pounds. Notice being given at the office that Harrison was at a friend's house at Wapping, Mr. Aubert went there in the evening, and found him in a state of mind little short of distraction. Mackey's bond was produced by Mr. Aubert, and Harrison assigned it over to him as a security on behalf of the company. He accompanied Mr. Aubert to the office, where two persons were ordered to attend him, and prevent his putting an end to his life, which there was sufficient reason to suppose he would attempt : and the next morning he was taken before sir John Fielding, who committed him to Tothill Fields bridewell. He was re-examined the following Wednesday, and committed to Newgate in preparation for his trial, which came on at the Old Bailey in September sessions, 1777 : the indictment consisted of twenty-four counts, on twelve of which the jury pronounced him guilty. The prisoner's counsel objected to judgment being passed, on account of a supposed inaccuracy in the indictment, and the matter was left to be argued by the judges. Having remained in Newgate some months after his trial, Mr. Harrison petitioned for the judges to meet and that he might be heard by counsel. He was advised by an illustrious personage to waive the plea on which his petition was founded, and in consequence thereof the petition was immediately withdrawn. In a few days a messenger came to Newgate and delivered Mr. Harrison the agreeable news that his majesty had been graciously pleased to grant him an unconditional pardon ; and the same evening an order was delivered to Mr. Akerman for his immediate

enlargement. Harrison had been accountant to the London Assurance Company nineteen years and a half, when it was discovered that he had betrayed the confidence reposed in him ; but till that period his character was without a blemish, and he was held in the highest esteem by all his acquaintance.

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MAJOR JOHN ANDRE,  
AS A SPY IN AMERICA, 1778.

THE great services and military talents of General Arnold, his courage in battle, and the patient fortitude with which he bore the most excessive hardships, had secured to him a high place in the opinion of the American army, and a large portion of the confidence of his partizans. But having rendered himself peculiarly obnoxious to the government of Pennsylvania, as well as to many of the citizens of Philadelphia, formal charges against him were brought by the executive of that state before Congress, who directed that he should be arrested and tried by a court martial, by whom he was sentenced to be reprimanded by the commander-in-chief.

This sentence was approved by the Congress, and carried soon afterwards into execution. From the time the sentence against him was approved, he determined to seek occasion for making the objects of his resentment the victims of his vengeance. Every history of the American war exhibits the importance of West Point, and it was justly termed the Gibraltar of America. To this fortress Arnold turned his eyes, as an acquisition which would give value to treason, while its loss would inflict a mortal wound on his former friends.

By various intrigues Arnold got invested with the command of West Point. Previous to his soliciting this station, he had in a letter to the British Colonel Robinson, signified his change of principles, and his wish to restore himself to the favour of his prince by some signal proof of his repentance. MAJOR JOHN ANDRE, an aid-de-camp of Sir Henry Clinton, and adjutant-general of the British army, a young gentle-

man who had in an uncommon degree improved the liberal endowments of nature, and who seems to have held a very high place in the esteem and affections of his general, was selected as the person to whom the maturing of Arnold's treason, and the arrangements for its execution, should be committed. A correspondence was for some time carried on between them, under a mercantile disguise, and the feigned names of Gustavus and Anderson ; and at length, to facilitate their communications, the Vulture sloop of war moved up the North river, and took a station convenient for the purpose, but not so near as to excite suspicion. Under the pretext of fighting the enemy in the defiles and narrow passes leading to the fortress, he is understood to have designed so to post the greater part of his army in the gorges of the mountains as to leave unguarded a particular pass, through which the assailants might securely approach and surprise West Point.

The time when General Washington was absent at Hartford, was selected for finally adjusting every part of the plan ; and, as a personal interview with Arnold would be necessary to complete their arrangements, Major André came up the river, and went on board the Vulture. The place appointed for the interview was the house of a Mr. Smith, without the American posts. Both parties repaired thither in the night at the hour agreed on. Major André was brought under a pass in the name of John Anderson, in a boat dispatched for the purpose from the shore. While the conference was yet unfinished daylight approached ; and to avoid the danger of discovery, it was proposed that André should remain concealed till the succeeding night. He is understood to have refused peremptorily to be carried within the American posts ; but the promise made him by Arnold to respect this objection, was not observed. They continued together the succeeding day ; and when, on the following night his return on board the Vulture was proposed, the boatmen refused to carry him, because she had, during the day, shifted her station ; in consequence of a gun having been moved to the shore, without the knowledge of Arnold, and brought to bear upon her.

This embarrassing circumstance reduced him to the necessity of endeavouring to reach New York by land. To render this more practicable, he reluctantly yielded to the urgent representations of Arnold; and, laying aside his regimentals, which he had hitherto worn under a surtout, put on a plain suit of clothes; and received a pass from General Arnold, authorizing him, under the feigned name of John Anderson, to proceed on the public service to the White Plains, or lower if he thought necessary.

With this permit he had passed all the guards and posts on the road without suspicion; and was proceeding to New York in perfect security, when one of three militia men, who were employed with others in scouting parties between the lines of the two armies, springing suddenly from his covert into the road, seized the reins of his bridle and stopped his horse. With a want of self-possession, so difficult to be accounted for in a mind equally brave and intelligent, that it would almost seem providential, Major André, instead of producing the pass from General Arnold, asked the man hastily where he belonged to? He replied, to below; a term designating him to be from New York. And so, said André, without suspecting the deception practised on him, am I.

He then declared himself to be a British officer on urgent business, and begged that he might not be detained. The other two militiamen coming up immediately, he discovered his mistake, but it was too late to repair it. He offered a purse of gold, and a valuable watch; to which he added the most tempting promises of ample reward, and permanent provision from the government, if they would permit him to escape: but his offers were rejected without hesitation by his captors, who proceeded to search him. They found concealed in his boots exact returns, in Arnold's hand writing, of the state of the forces, ordnance, and defences, at West Point and its dependencies; critical remarks on the works, and an estimate of the men ordinarily employed in them; with other interesting papers. He was carried before lieutenant-colonel Jameson, the officer commanding the scouting parties on the lines; where, regardless of himself,

and only anxious for the safety of Arnold, he nobly maintained the character he had assumed, and requested Jameson to inform his commanding officer that Anderson was taken. Faithful himself, the mind of Jameson rejected the suspicion, that in a gallant soldier, whose blood had flowed liberally in the service of his country, was to be found a traitor. He therefore dispatched an express with the communication which he had been desired to make. On receiving it Arnold comprehended at once the danger with which he was menaced ; and, flying from the punishment he merited, took refuge on board the Vulture, and afterwards proceeded to New York.

When sufficient time for Arnold to make his escape was supposed to have elapsed, André no longer affected disguise or concealment, and acknowledged himself to be the adjutant-general of the British army. Every precaution was immediately taken for the security of West Point. And measures of security being taken, it remained to determine the fate of the gallant and unfortunate André. A board of general officers, of which Major-general Greene was president, and the two foreign generals, La Fayette and Steuben were members, was called to report a precise state of his case, and to determine in what character he was to be considered, and to what punishment he was liable.

The candour, openness, and magnanimity, with which André had conducted himself from the first moment of his appearance in his real character, had made a very favourable impression on all those with whom he had held any intercourse. From this cause he experienced every mark of indulgent attention : and from a sense of justice, as well as of delicacy, he was informed, on the first opening of the examination, that he was at perfect liberty not to answer any interrogatory which might embarrass his own feelings. But, as if only mindful of his fame, and desirous, by the noble frankness of his conduct, to rescue his character from imputations which he dreaded more than death, he disdained every evasion ; and rendering the examination of any witness unnecessary, he confessed,

every thing material to his own condemnation, while he would divulge nothing which might involve others.

The board reported the essential facts which had appeared ; with their opinion that Major André was a spy, and ought to be hanged as a spy. The execution of this sentence was ordered on the day succeeding that on which it was declared.

Superior to the terrors of death, but dreading disgrace, André was deeply affected by the mode of dying which the laws of war had decreed to persons in his situation. He wished to be shot like a soldier, not to be hanged as a criminal.

To obtain a mitigation of his sentence in this respect, he addressed a letter to General Washington, replete with all the feelings of a man of sentiment and honour. But the occasion required that the example should make its full impression, and his request could not be granted. He encountered his fate with composure, dignity, and fortitude ; and such was his whole conduct, as to excite the admiration and interest the feelings, of all who witnessed it.

The general officers lamented the sentence which the usages of war compelled them to pronounce ; and perhaps on no occasion of his life did Washington obey with more reluctance the stern mandates of duty and of policy. "André," said General Washington in a private letter, "has met his fate with that fortitude which was to be expected from an accomplished man and a gallant officer ; but I am mistaken if, at this time, Arnold is not undergoing the torments of a mental hell."

By Colonel Hamilton, an American, the character of André is thus feelingly and eloquently drawn : "There was something singularly interesting in the character and fortunes of André. To an excellent understanding, well improved by education and travel, he united a peculiar elegance of mind and manners, and the advantage of a pleasing person. It is said he possessed a good taste for the fine arts, and had himself attained some proficiency in poetry, music, and painting. His knowledge appeared without ostentation, and embellished by a diffidence that rarely accompanies so many talents and accomplishments,

which left more to suppose than appeared. His sentiments were elevated, and inspired esteem ; they had a softness that conciliated affection. His elocution was handsome ; his address easy, polite, and insinuating.

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MR. STRATTON,  
AND OTHER MEMBERS OF THE COUNCIL OF MADRAS,  
FOR DEPOSING AND IMPRISONING  
THEIR GOVERNOR, LORD PIGOT.

THE trial began before the right honourable the Earl of Mansfield, in the Court of King's Bench, Westminster Hall, on Monday, December 20th, 1779, early in the morning, and lasted till two the next morning.

The *Attorney General* stated the facts on which the prosecution was founded in a most pathetic and eloquent speech. The principal points he insisted upon in support of the prosecution, were—First, That Lord Pigot was sent from England by the East India Company, with express instructions to restore the Raja of Tanjore. Secondly, That the whole council, on his arrival at Madras, and for sometime after, (in the year 1775) were unanimous in their resolutions to carry these instructions into execution; but that afterwards a dissension arose, owing to some of the members of the council espousing the interest of the Nabob of Arcot and his Son, who strenuously opposed the restoration of the Raja. Thirdly, That Lord Pigot was under a necessity to suspend Mr. Stratton and Mr. Brooke, (two of the defendants) in virtue of his authority as president, that he might not be obstructed by them in the execution of the Company's command. Fourthly, That the claim of Mr. Benfield on the part of the Nabob of Arcot, to a crop on the lands of Tanjore, sown by the Nabob, and mortgaged to Benfield, was a fraudulent claim, calculated to foment divisions in the council, and to oppose Lord Pigot in his government. This he endeavoured to prove from the improbability that Benfield, a private person, of little or no property, should have been able to advance so large a sum as the claim amounted to, even allowing him very considerable profits : for his demand was

250,000L Fifthly, he proved that the defendants signed an order for taking his lordship into custody, and ordered Colonel Stuart, who arrested him, to inform his lordship, that his life should answer any resistance to their orders; from which he drew an inference, that assassination was intended in case of resistance. Finally, He enquired by what authority this violent revolution had been accomplished. He admitted that the majority of the council assenting to, or putting a negative upon, a question, exercised a legal power; but it did not follow, if the governor acted wrong in not putting a question, which in the sense of the majority, he ought to have put, that they had a legal power to imprison him; gentler measures might have been adopted; he was amenable to the laws of his country, but not to any assumed authority of his council. Upon the whole, however, he justified the conduct of Lord Pigot, though arbitrary, upon this ground, that it was his duty to execute the commission he had received from the Company, by restoring the Raja of Tanjore, at all events.

The postilion who drove Lord Pigot's chaise when he was arrested, and colonel Monckton, his lordship's son-in-law, were produced as evidence of the arrest and confinement; but as the crown lawyers on the one hand admitted the facts alleged by the defendants concerning Lord Pigot's proceedings in council: and the defendants on the other, avowed the arrest and confinement of his lordship, no verbal evidence was necessary. But a great load of written evidence was essential to support the prosecution, because it turned upon the positive instructions given by the Company to Lord Pigot. The reading of the papers, containing the correspondence between the Company and Lord Pigot, with other documents, was excessively tedious, and took up several hours.

Mr. Dunning began the defence of his clients about eight in the evening; and in the most masterly pleading that was ever exhibited in a weak cause, displayed abilities and attachment to the interest of his clients that would have done honour to the best. After noticing the passion and prejudice which had influenced the minds of men in general with respect to the death

of Lord Pigot, he cleared the defendants to the satisfaction of every one present, from the imputation of aiming at his life, and from all selfish motives. He then gave a detail of the arbitrary proceedings of Lord Pigot in the council, and in other acts of his government; such as the suspension of Sir Robert Fletcher, the commander in chief of the troops, &c. From these instances of extravagant behaviour, he adduced the political necessity of removing him from the government, all public business being at a stand.

Lord Mansfield, about half after one in the morning, summed up the whole matter very concisely, observing that the indictment was laid on five counts of charges; two for illegal assumption of government, and three for imprisoning the governor; but they differed very little, for if the defendants could be justified in the one, it went a great way to justify them in the other. Three questions were for the jury to consider: 1st, What is the constitution of the government of Madras? 2ndly, Whether Lord Pigot had subverted that constitution? 3dly, Whether such conduct of Lord Pigot, amounted to a justification of the subsequent conduct of the defendants?

His Lordship could put the affair at Madras on no other footing than that of a civil necessity, or state necessity. If the Jury could consider this civil necessity the majority were under tantamount to a natural necessity, it would be a justification. To decide this, they might take into consideration the critical situation they were in, from the violent proceedings of the governor: he had suspended two of the senior council; he might possibly proceed to suspend the other four; he had also ordered one of their number to be arrested on a charge of mutiny, that pointed at his life. In such a situation it was difficult to act; but at the same time they began their own administration with an illegal act, that of suspending three of the members who voted against them.

His Lordship said, it was for the jury to exercise their judgment on these three questions; and if they found sufficient matter to justify the assumption of government out of the hands of the governor, the same would go to justify his imprisonment; and as

no aggravating circumstances were insisted on by the prosecutors, they would then acquit the defendants; if otherwise, they would find them guilty.

His lordship quitted the court exactly at two; and the jury, after withholding a quarter of an hour, brought in their verdict, finding the defendants *Guilty*.

## NAVAL COURTS-MARTIAL.

### VICE-ADMIRAL BYNG,

AT A COURT-MARTIAL, HELD ON BOARD HIS MAJESTY'S SHIP THE ST. GEORGE, IN PORTSMOUTH HARBOUR, 1757.

ON Tuesday the 28th of December, ADMIRAL BYNG was brought to the bar by the marshal, and the commission, with all the articles of accusation exhibited against him, were read.

On Wednesday the 29th Rear-admiral *West* was sworn and examined.

*Court.* What distance do you imagine the Ramillies might be from the Buckingham at the time of the engagement with the French fleet?—Admiral *West*. I believe about three miles.

*Court.* Do you think the admiral and the rear could have come up to the assistance of the van, and come to as close an engagement with the enemy?—Admiral *West*. I knew of no impediment to the contrary; but, I cannot presume to say there was no impediment; nor I would not be understood to mean there was none.

*Court.* How was the wind and weather?—Admiral *West*. The wind was very calm, and the weather exceeding fine.

*Court.* Could you keep your lower ports open?—Admiral *West*. Yes, I could; and I knew of but one ship that could not, and that was the Deptford, who lowered her ports occasionally.

*Court.* Did you see any fire from Admiral Byng's ship during the engagement?—Admiral *West*. When I was looking towards the Intrepid, which was in dis-

treß astern of her, I saw some smoke, which might very probably be from the admiral's ship, or some of his division; but I was not able to discover at what ship it was directed.

Admiral *Byng*. Was it not in the power of the enemy to decline coming to a close engagement, as the two fleets were situated?—Admiral *West*. Yes, it was; but, as they lay to our fleet, I apprehended they intended to fight.

Admiral *Byng*. Are you of opinion that the forces on board the fleet could have relieved Minorca?—Admiral *West*. I believe they could not.

Admiral *Byng*. Were not some of the ships deficient in their complement of men?—Admiral *West*. Yes.

Admiral *Byng*. Were not some of the ships out of repair?—Admiral *West*. Yes.

Admiral *Byng*. Was not the fleet deficient, in point of force, with the enemy?—Admiral *West*. Yes.

Lord BLAKENEY was sworn.

Admiral *Byng* to Lord *Blakeney*. Do you think the forces could have been landed?—Lord *Blakeney*. Yes; I think they might very easily be landed.

Admiral *Byng*. Was there not some fascines thrown in the way?—Lord *Blakeney*. Yes; but they were such as I think might easily have been destroyed.

Court. If the admiral had attempted to land the men, would it not have been attended with danger?—Lord *Blakeney*. Danger! most certainly. It could not be so easy as stepping into this ship. I have been upwards of fifty years in the service, and I never knew any expedition of consequence carried into execution but what was attended with some danger, but of all the expeditions I ever knew this was certainly the worst.

Admiral *Byng*. Had not the French a castle at the point, which might have prevented the landing of the troops?—Lord *Blakeney*. Not on the 20th of May; and the enemy were then in such distress for ammunition that they fired stones at the garrison.

Admiral *Byng*. Do you think that the officers and few men I had on board the fleet could have been of any

great service to the garrison?—Lord *Blakeney*. Yes, certainly, of great service; for I was obliged, at that time, to set a great number of my men to plaster the breaches.

Captain EVERITT examined.

*Court.* What time did you see or discern the island of Minorca?—Captain *Everitt*. We got sight of the island of Minorca about six o'clock in the morning of the 19th of May.

*Court.* What was your nearest distance from St. Philip's Castle?—Captain *Everitt*. About eleven or twelve o'clock in the forenoon of the 19th of May, we were about two leagues distant from St. Philip's castle; and I believe that was the nearest distance I was to it.

*Court.* What time was the French fleet first discovered?—Captain *Everitt*. About two or three in the afternoon of the same day, (the 19th of May) the French fleet was seen distinctly, standing to the westward; but I cannot pretend to say at what distance.

*Court.* How did the British fleet stand at that time?—Captain *Everitt*. To the S.E. the wind at S.S.W. moderate fine weather.

*Court.* What time did you see the French fleet preparing for engagement?—Captain *Everitt*. On the 20th of May, about eight or nine o'clock in the morning.

*Court.* At what distance was the Ramillies from the Buckingham at the time of the engagement?—Captain *Everitt*. I believe about three or four miles.

*Court.* Could the admiral and the rear come up to the assistance of the van, and come to as close an engagement with the enemy?—Captain *Everitt*. I am of opinion that the admiral's division might have carried all their sail, and thereby assisted the van, and prevented them from receiving so much fire from the rear of the enemy.

Saturday the 1st of January, the court being sitting, Lord Blakeney appeared in consequence of Admiral Byng's request, about nine o'clock in the morning, when the admiral proposed the following question:—

Admiral *Byng* to Lord *Blakeney*. If I had landed

the troops do you think it could have saved St. Philip's from falling into the hands of the enemy?

*Lord Blakeney.* It is impossible for me to pretend to answer that question with any certainty; but really, I am of opinion, that, if they had been landed it would have enabled me to hold out the siege till Sir Edward Hawke had come to my relief.

Then the four first lieutenants of the Buckingham, Admiral West's own ship, were examined, and they all agreed that they did not know of any impediment to hinder the admiral and his division from coming to the assistance of the van, which was closely engaged and raked by the enemy's rear as they came up, and that they did not see the admiral go to a close engagement with the enemy, agreeable to his own signals.

*Monday the 3d of January.*

Captain EVERITT was cross-examined.

*Court.* If Admiral Byng had come to a close engagement, do you think a complete victory might have been obtained?—Captain *Everitt*. Why, really, I think there was all the reason in the world to expect it, it being very well known that Admiral West beat off two of the enemy's ships, though he had but five ships to their six, and their metal much heavier.

*Court.* How was the wind?—Captain *Everitt*. An exceeding fair gale.

*Court.* Had you too much or too little?—Captain *Everitt*. Neither: just enough and no more.

Captain GILCHRIST was sworn.

*Court.* Did every ship bear down at a proper distance to attack the enemy?—Captain *Gilchrist*. No; not according to signals thrown out for that purpose by the admiral, between twelve and one o'clock; but the rear admiral and his division bore down right before the wind, and hauled up opposite their proper ships, and attacked the enemy; except the Defiance, which appeared to be rather too much ahead. The ships in the rear were in a line of battle ahead; upon which the Defiance threw all aback, and fell down upon her proper ship, the headmost ship of the enemy.

*Court.* Did the admiral bear down before the wind, upon the enemy?—Captain *Gilchrist*. No; nor any of his division.

*Court.* Did the ships in the rear make all the sail they could in order to close with the enemy, from the time the signal was given for battle till the action was over?—Captain *Gilchrist*. No; but in the latter part of the action Admiral Byng set all his sail, except the top-gallant sails.

*Court.* Would the wind and weather permit him to carry all the sail in the ship that he commanded?—Captain *Gilchrist*. The wind was such that I could have carried all the sail in the ship that I commanded? and I don't know any reason why he could not do the same.

Captain AMHERST was sworn.

*Court.* Could the admiral and the rear have come up to the assistance of the van, and come to as close an engagement with the enemy?—Captain *Amherst*. I do not know any reason why he could not.

*Court.* As the two fleets were situated do you think it was in the power of the enemy to decline coming to a close engagement?—Captain *Amherst*. Yes; I believe it was; but, as they lay to our fleet, I imagined they intended to come to an engagement.

*Court.* How did the admiral behave during the engagement?—Captain *Amherst*. I cannot pretend to speak positively as to the admiral's conduct during the engagement.

Captain YOUNG was examined.

*Court.* Were any of the ships in our rear in danger of being on board you, occasioned by the loss of your foretop mast?—Captain *Young*. Not as I could perceive.

*Court.* Do you think it occasioned any impediment to Admiral Byng and his division, from going down to engage the enemy closely?—Captain *Young*. I could not perceive it did.

*Court.* Did the admiral, and his division, bear down on your stern, and go to the centre and rear of the enemy?—Captain *Young*. No; they did not; when my top-mast went away.

*Court.* Did they afterwards at any time?—Captain Young. Yes, they did about an hour after, and went to leeward of me, and passed me.

*Court.* Did they go down to the centre and rear to engage properly?—Captain Young. The French were then gone, and left me astern.

*Court.* When the French fleet passed you what sail had they?—Captain Young. To the best of my remembrance they had their top-sails and fore-sails.

*Court.* What sail had the admiral and his division abroad then?—Captain Young. Fore-sails and stay-sails.

*Court.* What sail had the Culloden?—Captain Young. Her top gallant sails.

*Court.* How long was it after you had lost your top-mast before the admiral and his division passed to leeward of you?—Captain Young. I believe it might be about three-quarters of an hour, or an hour.

*Court.* Could the admiral and his division, as the wind was then, if they had set all their sails, from the time the signal for engaging was made and borne away properly; could they have come to a close engagement with the enemy?—Captain Young. Yes, they certainly could; the French were laying to for us. I went down only under my top-sails, and I don't know why they could not have added sails in proportion to the distance and going of their ships.

*Court.* Did you observe what sail the admiral and his division were under during the three-quarters of an hour, or an hour, which you just now mentioned?—Captain Young. No, I did not take any particular notice.

*Court.* Did you observe that they made any motions for going down to the enemy?—Captain Young. No, I did not.

*Court.* Before the French ran did you see the admiral and his division closely engaged with the enemy?—Captain Young. No, I did not; they were astern, and to windward of me.

*Court.* Did the admiral and his division bear down to the enemy when you did?—Captain Young. No.

*Court.* What sail were the admiral and his division under at that time?—Captain Young. Under their top-sails and fore-sails.

*Court.* Could the admiral and his division have closed the enemy, to have engaged properly, if they had borne down as the Intrepid did?—*Captain Young.* Yes; for the French were laying to.

*Court.* Supposing the admiral and his division had set all their sail, did they lay to long enough to admit of it?—*Captain Young.* Yes, they lay to long enough for me, and I suppose for the rest too.

*Court.* When the signal for engaging was made, were our ships in a proper line of battle, ahead of one another?—*Captain Young.* Yes; there was a very good line of battle.

*Court.* Had all our ships bore away at the same time, would it not have prevented the running aboard each other?—*Captain Young.* They were not so near together, but every ship had room enough to wear.

### *The 10th of January.*

*Captain CORNWAL* was examined.

“I went,” said he, “to my window abaft, to take a view of the fleet when in the line of battle, and was extremely surprised to see the admiral and his division at so great a distance upon the weather quarter, and seeing the Intrepid in great distress, and no signal given for removing her out of the line, I went to her assistance, and, after getting her out of the line, fell into her station, and engaged the Foudroyant, the French admiral, being the ship which I imagined fell to my lot in the then line of battle.”

He also said, he knew of no impediment to prevent the admiral’s engaging at a proper distance, any more than the rest of the fleet.

### *Tuesday the 11th of January.*

*Captain GARDINER* of the Ramillies, the admiral’s ship, was examined.

*Court.* Were all the sails of the Ramillies set?—*Captain Gardiner.* No, they were not.

*Court.* If the Ramillies and the admiral’s division had carried all their sail, do you think they could have assisted the van, and have prevented them from re-

ceiving so much fire from the enemy's rear?—Captain *Gardiner*. I do believe they might.

*Court*. Did you advise the admiral to bear down?—Captain *Gardiner*. I did, but the admiral objected to it, lest an accident of a similar nature with that of Admiral Matthews on the same seas, should be the consequence.

*Court*. Did the admiral shew any signs of fear or cowardice?—Captain *Gardiner*. No, quite the reverse.

*Court*. Have you any thing to allege against the admiral's personal behaviour?—Captain *Gardiner*. No, I have not.

*Wednesday the 12th of January.*

**Lord ROBERT BERTIE** was sworn and examined.

*Court*. Where was you stationed?—*Lord Bertie*. Upon the quarter deck with the admiral.

*Court*. If the officers and recruits that were intended for Minorca had been landed, do you think they would have saved fort St. Philip's?—*Lord Bertie*. No, I think they were of greater service on board the fleet.

*Court*. Was you on the quarter deck with the admiral in the engagement?—*Lord Bertie*. Yes; but upon informing the admiral that I discovered one of our own ships through the smoke upon the lee-bow of the Ramillies, and which ship I was apprehensive the Ramillies would fire into without seeing her, I was detached by the admiral between decks to stop firing.

*Court*. Did you discover any signs of fear or confusion in the admiral?—*Lord Bertie*. No, far from it; he expressed an impatience to engage the enemy.

*Court*. How near were you to the enemy at the time of the engagement?—*Lord Bertie*. We were so near the enemy as to be hulled by them, and many of the enemy's shots passed over us.

*Court*. Did you ever hear any murmurings, or complainings, by any of the officers or men on board, upon a supposition that the admiral had not done his duty?—*Lord Bertie*. No; I never heard any thing like it.

Lord Robert Bertie's examination being finished, Colonel Smith, who was also upon the quarter deck

with the admiral, was examined next, who confirmed what Lord Robert Bertie had said, in every particular ; and he also added, that a shot from the enemy passed between him and Lord Robert Bertie, as they were abaft the main-mast, which took off the head of a timber upon the deck ; and went through the hammocks in the main shrouds.

*Monday the 12th of January.*

Captain *H. Ward*, of the Culloden, was examined ; who declared that the shot fell short of him, being to leeward of the admiral, and gave it as his opinion that had the admiral bore down they might have taken every ship of the enemy. After him several of his lieutenants were examined, who all deposed to the very same purpose.

All the witnesses being examined, Admiral Byng was called upon to make his defence, which he did in the words, or to the substance following :—

“ GENTLEMEN,

“ The articles of the charge exhibited against me are of such a nature, that every thing which can be supposed interesting to a man, is concerned in the event of this cause. My character, my property, and even my life are at stake ; and I should, indeed, have great reason to be alarmed, were not I conscious of my innocence, and fully persuaded of the justice and equity of the court.

“ On the 17th of May I was joined by his Majesty's ship the Phoenix, off Majorca, and got off Mahon the 19th. The Phoenix confirmed the intelligence I received before at Gibraltar, of the strength of the French fleet, and of their being at Mahon. The British colours were still flying at the castle of St. Philip's, and several bomb batteries playing upon it from different parts : on the west part of St. Philip's we saw French colours flying. I dispatched the Phoenix, Chesterfield, and Dolphin ahead to reconnoitre the harbour's mouth, and Captain Hervey to endeavour to land a letter to General Blakeney, to acquaint him the fleet was there to his assistance, though every one thought we could be of no service to him, as by all accounts, could we have spared any people no place was secured for covering a landing. The Phoenix was also to make the private signal between Captain Hervey and Captain Scrope ; but the enemy's fleet appearing to the south-east, and the wind coming off the land, I was obliged to call those ships in, before they could get so near the harbour as to discover what batteries or guns might be placed to prevent our having any communication with the castle. Falling little wind it was five before I could form my line, or distinguish any of the enemy's motions,

and was unable to judge of their force more than by their numbers, which were seventeen, and thirteen appeared large.

" At first they stood towards us in a regular line, and tacked about seven, in order, as I thought, to endeavour to gain the wind of us in the night ; so that, being late, I tacked, in order to keep the weather-gage of them, and also to make sure of the land wind.

" After getting round the small island, called the Laire of Mahon; at ten in the morning I was within a league of the port ; but on seeing the enemy's fleet, I thought it more immediately my duty to bear away at eleven, to meet them. This obliged me to recal, with reason, the three frigates which I had sent ahead of the fleet, to reconnoitre the harbour's mouth, to land a letter for General Blakeney, to acquaint him the fleet was arrived to his assistance, and to know in what manner it could be of the most effectual service.

" This behaviour will, I hope, appear to the court to be suggested by prudence, all that could have been attempted in the space of an hour, and the most advantageous step which could have been taken on that occasion. It proves that I did not depend on the hearsay evidence which I had received, even from the best authorities at Gibraltar, nor on the united opinion of every officer at that place ; but that I was determined to be certified of the true state of the harbour and citadel from General Blakeney himself, as I knew that Captain Scrope, who, together with all the soldiers and marines of Mr. Edgecomb's ships, and one hundred seamen, had been left to reinforce the garrison, would come off in his barge and bring me a just relation of every circumstance necessary to be known ; and though I mentioned in my letter of the 25th of May, ' That it was the opinion of all the sea and land officers, that they could render no service to the garrison, as no place was covered for the landing of any men, could they have spared any ;' in this I only gave my opinion agreeable to that of all the other officers. Their opinion had no influence upon my conduct, and was only meant to signify what might have been the event supposing the French fleet had not appeared at that time.

" So far then I hope it will appear to the court, that neither knowledge of my profession, prudence in conducting the expedition, nor duty to my king and country, appear to be deficient in me.

" When then, from the inferiority of the English, nothing could be reasonably expected but misfortune and disgrace ; or if, by the greatest efforts of good fortune, victory should declare for our fleet, that no advantage could be drawn from it ; when the risque of losing the whole fleet was the result of an unanimous council of war ; and the nation, considering the real state of the English and French navies, so little able to sustain a loss of that kind ; when Gibraltar would have been left defenceless, and fallen of course to the enemy ; could the seeking the French admiral, by a commander who foresaw these probable consequences with not only an inferior, but a shattered fleet, and no other ships in the Mediterranean to reinforce him, have been justified in the judgment of men who have studied the nature of military achieve-

ments, or according to the rules and observations of ancient and modern writers on this head.

" The utmost advantage could have been but a prolongation of the siege, without the least probability of raising it ; because the fleet, unable to keep the seas, must have retreated to Gibraltar, the port of Mahon being still commanded by the enemy's batteries."

#### SENTENCE.

At a Court Martial assembled on board his Majesty's ship St. George, in Portsmouth Harbour, upon the 27th of January, 1757, present, Vice-admiral Smith, President, Rear-admiral Holbourne, Rear-admiral Norris, Rear-admiral Broderick, Captain Holmes, Captain Geary, Captain Boys, Captain Moore, Captain Simcoe, Captain Douglas, Captain Bentley, Captain Keppel, and Captain Dennis : The court, pursuant to an order from the Lords Commissioners of the Admiralty, having heard the evidence, and the prisoner's defence, and very maturely and thoroughly considered the same, they are unanimously of opinion that he did not do his utmost to relieve St. Philip's castle, and also that during the engagement between his Majesty's fleet under his command, and the fleet of the French king, on the 20th of May last, he did not do his utmost to take, seize, and destroy, the ships of the French king, which it was his duty to have engaged, and to assist such of his Majesty's ships as were engaged in fight with the French ships, which it was his duty to have assisted ; and do therefore unanimously agree that he falls under part of the 12th article of an act of parliament, of the 22d year of his present majesty, for amending, explaining, and reducing into one act of parliament the laws relating to the government of his majesty's ships, vessels, and forces by sea ; and as that article positively prescribes death, without any alternative left to the discretion of the court, under any variation of circumstance, the court do therefore hereby unanimously *adjudge the said Admiral John Byng to be shot to death*, at such time, and on board such ship, as the Lords Commissioners of the Admiralty shall direct.

But as it appears by the evidence of Lord Robert Bertie, Lieutenant-colonel Smith, Captain Gardiner, and other officers of the ship, who were near the person of the admiral, that they did not perceive any

backwardness in him during the action, or any marks of fear, or confusion, either from his countenance or behaviour, but that he seemed to give his orders coolly and distinctly; and did not seem wanting in personal courage, and from other circumstances, the court do not believe that his misconduct arose either from cowardice or disaffection, and do therefore unanimously think it their duty most earnestly *to recommend him as a proper object of mercy.*

It was, however, made a party question—the ministers were blamed for not sending a stronger fleet,—and then to screen themselves sacrificed Byng; who was barbarously shot for what at worst was but an error of judgment.

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### COURT-MARTIAL ON ADMIRAL KEPPEL.

THE courts-martial on Keppel and Palliser, are so intimately connected with the history of the country, that they merit a place in this collection.

In the midst of the struggle with the colonies, France and Spain coalesced with them, and in July, 1778, the hopes of the British Government were fixed on the channel fleet, commanded by an experienced seaman, Admiral Keppel. Unfortunately, Palliser, the admiral of the blue and rear division, was a lord of the admiralty, and in the presence of the enemy, he chose to think for himself, instead of obeying orders. The consequence was, the escape of the French fleet, at a time when a decisive naval victory was required by the circumstances of the country.

Keppel was of the party of the opposition, and Palliser one of the ministry. Hence the influence of the latter in bringing the former to trial, and the joy of the nation on his acquittal. The facts, however, rendered it necessary to bring Palliser to a subsequent trial, but the feeling of the government was proved, by his being, soon afterwards, made governor of Greenwich Hospital, the most lucrative naval appointment in the gift of the crown.

Keppel, in the meantime, was rejected from the representation of Windsor, by the admitted influence of the court; but when the whigs out-voted the ministers, in 1781, he was raised to a peerage, and made first lord of the Admiralty, but removed by the subsequent changes.

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ON the 7th of January the signal was made for all the admirals and captains of his majesty's fleet to come on board the Britannia in Portsmouth harbour.

Then the judge-advocate read the order sent by the Lords of the Admiralty to Sir Thomas Pye, admiral of the white, to hold the court-martial, dated the 31st of December, 1778, signed Sandwich, T. Buller, Lisburne; and for adjourning to the Governor of Portsmouth's house.

The following members were then sworn, agreeably to act of parliament,

President, Sir Thomas Pye, admiral of the white, Matthew Buckle, Esq. vice-admiral of the red, John Montagu, Esq. vice-admiral of the red, Marriot Arbuthnot, Esq. rear-admiral of the white, Robert Roddam, Esq. rear admiral of the white, Captains M. Milbank, Francis Samuel Drake, Taylor Penny, John Mourtray, William Bennet, Adam Duncan, Philip Boteler, and James Cranston.

The court was then adjourned to the house of the Governor of Portsmouth, when the president desired the judge-advocate to read the charge.

*A Charge of Misconduct and Neglect of Duty against the Honourable Admiral Keppel, on the 27th and 28th of July, 1778, in divers instances undermentioned.*

I. That on the morning of the 27th of July, 1778, having a fleet of thirty ships of the line under his command, and being then in the presence of a French fleet of the like number of ships of the line, the said admiral did not make the necessary preparations for fight, did not put his fleet into a line of battle, or into any order proper either for receiving or attacking an enemy of such force; but, on the contrary, although his fleet was already dispersed and in disorder, he, by making the signal for several ships of the vice-admiral of the blue's division to chace to windward, he increased the disorder of that part of his fleet, and the ships were, in consequence, more scattered than they had been before; and, whilst in this disorder, he advanced to the enemy, and made the signal for battle.

That the above conduct was the more unaccountable, as the enemy's fleet was not then in disorder, nor beaten, nor flying, but formed in a regular line of battle, on that tack which approached the British fleet (all their motions plainly indicating a design to give battle,) and they edged down and attacked it whilst in disorder. By this unofficerlike conduct, a general engagement was not brought on, but the other flag-officers and captains were left to engage without order or regularity, from whence great confusion ensued; some of his ships were prevented getting into action at all, others were not near enough to the enemy, and some, from the confusion, fired into others of the king's ships, and did them considerable damage; and the vice-admiral of the blue was left alone to engage singly and unsupported. In these instances the said Admiral Keppel negligently performed the duty imposed on him.

II. That after the van and centre divisions of the British fleet passed the rear of the enemy, the admiral did not immediately tack and double upon the enemy with those two divisions, and continue the battle; nor did he collect them together at that time, and keep so near the enemy as to be in readiness to renew the battle as soon as it might be proper: but, on the contrary, he stood away beyond the enemy to a great distance, before he wore to stand towards them again; leaving the vice-admiral of the blue engaged with the enemy, and exposed to be cut off.

III. That after the vice-admiral of the blue had passed the last of the enemy's ships, and immediately wore and laid his own ship's head towards the enemy again, being then in their wake, and at a little distance only, and expecting the admiral to advance with all the ships to renew the fight, the admiral did not advance for that purpose, but shortened sail, hauled down the signal for battle; nor did he at that time, or at any other time, whilst standing towards the enemy, call the ships together, in order to renew the attack, as he might have done; particularly the vice-admiral of the red, and his division, which had received the least damage, had been the longest out of action, were ready and fit to renew it, were then to windward, and could have bore down and fetched any part of the French fleet, if the signal for battle had not been hauled down; or if the said Admiral Keppel had availed himself of the signal appointed by the thirty-first article of the fighting instructions, by which he might have ordered those to lead who are to lead with the starboards tacks on board by a wind; which signal was applicable to the occasion for renewing the engagement with advantage after the French fleet had been beaten, their line broken, and in disorder. In these instances he did not do the utmost in his power to take, sink, burn, or destroy the French fleet that had attacked the British fleet.

IV. That instead of advancing to renew the engagement, as in the preceding articles is alleged, and as he might and ought to have done, the admiral wore and made sail directly from the enemy; and thus he led the whole British fleet away from them, which gave them the opportunity to rally unmolested, and to form again into a line of battle, and to stand after the British fleet;

this was disgraceful to the British flag, for it had the appearance of a flight, and gave the French admiral a pretence to claim the victory, and to publish to the world that the British fleet ran away, and that he pursued it with the fleet of France, and offered it battle.

V. That on the morning of the 28th of July, 1778, when it was perceived that only three of the French fleet remained near the British, in the situation the whole had been in the night before; and that the rest were to leeward, at a greater distance, not in a line of battle, but in a heap, the admiral did not cause the fleet to pursue the flying enemy, nor even to chace the three ships that fled after the rest; but, on the contrary, he led the British fleet another way, directly from the enemy.

By these instances of misconduct and neglect, a glorious opportunity was lost of doing a most essential service to the state, and the honour of the British navy was tarnished.

*Captain Marshall*, of the Arethusa frigate, sworn, and examined by Sir Hugh Palliser.

His evidence tended to prove, that at six o'clock in the morning of July 27, the British fleet were much dispersed; that a signal was made for chacing, which scattered the ships still more; that the French fleet were in a line of battle about nine o'clock in the morning before the engagement began; that Admiral Keppel made no signal for forming into a line, but advanced toward the enemy without any such disposition; that from this circumstance it was impossible to engage ship to ship; and that in this situation Admiral Keppel made the signal for battle.

Q. The morning after the engagement, that is, on the 28th of July, were not three of the enemy's ships in sight?—I observed three sail.

Q. Were they line of battle ships or frigates?—I cannot say.

Q. Was there any signal made by the Admiral to chace them?—I think not.

*Admiral Montague*. On the day you first saw the French fleet, to the day you lost sight of them, do you, from your observation or knowledge know of any act of the Cominader in Chief, Admiral Keppel, behaving or conducting himself unbecoming of a flag officer?—No, as God's my judge.

MONDAY, January 11th.

*Sir William Burnaby* then informed the court, that when he first perceived the French fleet, the afternoon of the 23rd, they were to Eastward of our fleet, nearly a-head, or rather leeward, standing towards us, and appearing to be in great disorder; that, the Milford having received orders from the Admiral to reconnoitre the enemy, he made towards them. That at half-past four, he tacked and stood towards the Victory, the French fleet nearly then beginning to form a line a-head, seeming to direct their course to leeward of our fleet, and very little from the wind. About half past eight o'clock, the British Admiral made signal for the fleet to bring to, and, to the best of my recollection, it continued in that situation all night.

Upon further interrogations it appeared that the French fleet were all that day forming in line of battle ; that on the 25th and 26th the weather was squally, with fresh gales, that occasioned such a north west swell as is usual with such winds ; that they kept the weather gage of us all the time, generally observing their line of battle, and rather gained upon our fleet ; sometimes carrying a pressing sail, at other times under an easy sail, for the better perfecting their line of battle ; and that during all that time, had they been ever so much disposed to attack our fleet, they could not have done it without disadvantage, as they could not, without risk, fight their lee lower deck guns, whilst we could fight our weather lower deck guns.

He was then examined as to the situation of the British fleet on the morning of the 27th ; when he said they were somewhat dispersed ; that a signal was made by the Admiral between nine and ten that morning, for some ships to chace, and he saw them crowd sail accordingly ; but could not say whether they were of the blue division. That he did not perceive the admiral make any signal for the fleet to form into a line of battle a-head, or upon any point of the compass : that, about eight o'clock, the French were in a regular line of battle ; and that at half-past eleven, when the admiral made a signal to engage, our fleet seemed scattered. The French were pretty well formed all the morning, and the attack was begun by them : that our signal for battle was hoisted about eight minutes after the firing began.

*Admiral Montague* enquired, whether, if the admiral had not advanced, he could have brought the French to action ? The witness replied, he should think not, if the French had been disposed to get away ; but believed, that if the French had lain to for us, the action would have been more general ; but the French fleet absolutely edged down, and brought on the engagement sooner. He could not charge his memory exactly to the time the signal of battle was hauled down ; but, the admiral being a-head of the enemy, he remembered his wearing again and standing from the enemy upon the starboard tack, which tack the enemy was upon also ; at that time the admiral wore by signal ; that, a little after the action ceased, he observed the French fleet beat up their line of battle, and in confusion, but not scattered ; that the vice-admiral had before that time doubled on the rear of the enemy, and was to windward of them ; that, to the best of his judgment, Sir Robert Harland and his division, could have borne down upon the enemy, then being to windward of them, had the admiral advanced with the rest of the British fleet, and kept the signal for battle flying, or if he had observed the signal appointed by the 31st article of the fighting instructions, for the ships on the starboard tack to take the lead ; and that, if the enemy had been so re-attacked in that confusion by the vice-admiral of the red bearing down, and the admiral advancing, the enemy must have been prevented from forming the line so soon as they did ; and, finally, that they formed unmolested ; but, as a very young officer, he did not lay much weight upon the competency of his judgment.

The rest of this evidence, which concluded the business of the

Court for that day, tended chiefly to prove, that the vice-admiral of the red, and part of his division, had occupied the station of the admiral's wake, into which he had made signal for Sir Hugh Palliser to get ; but Sir Robert was ordered by the admiral to get his own station a-head as soon as he could ; he remembered, he said, the admiral, when he wore, had left the *Vengeance* a-stern about two miles, much disabled, and in great danger of being cut off ; he also remembered seeing three or four of the enemy's fleet next morning, which were not pursued by any of our fleet.

TUESDAY, January 12.

*Sir William Burnaby* was cross-examined by Admiral Keppel, as to the vice-admiral's situation and conduct after the engagement ; when it appeared, that from the natural superiority of the *Victory* over the *Formidable* in sailing, and the damage the latter had sustained, Sir Hugh Palliser could not accompany the admiral ; but that he did not see him make any signal of his disability.

In the course of the admiral's questions to Sir William, he asked, did I not pursue with a press of sail, conformable to my worst sailing ships, to close and get up, until the moment I brought them to battle, except the two times after the 2<sup>nd</sup> that I made the signal for the line ? Sir Hugh objected to this as a leading question.

*Admiral Keppel*. I desire I may not be interrupted by the accuser. I am trying for my life, and for my honour, which is dearer, and hope for the protection of the court.—Soon after he said, I would have fired at the French if they had not fired at me.

Answer from Sir William to the question. You always pressed sail, and gave every proof of your great desire of bringing the French to battle.

*Captain Digby*, of the *Ramillies*, was then called for examination.—Sir Hugh Palliser began to interrogate him with regard to the business of the 23rd, when Admiral Keppel begged the Court to take notice, that, for the purpose of shortening, if possible, the length to which he saw the trial would necessarily extend, if they still went over the same ground, and questions were repeatedly asked which he had admitted, he again told them that he admitted that the French fleet put themselves into order of battle when we discovered them.—When Captain Digby mentioned, that from squally weather there was a swelling sea, and was asked whether the ships could then fight their lower deck guns ; he said, he could not have fought all his.

The prosecutor then asked,—Had the French come down and attacked the British fleet at the time when the British fleet could not fight their lower deck-guns, would it not have been very disadvantageous for us ? Here it was objected to Sir Hugh Palliser, that he had, as usual, drawn conclusions very different from the evidence, and asked his questions in terms which were not admitted. Such an unwarrantable perversion could not be tolerated. Instead of stating that the *Ramillies* could not fight part of her lower-deck guns, he had stated that all the fleet could not fight all their lower-deck guns. In consequence of this timely reproof, he altered his question, and it stood, that, whenever such

ships as the Ramillies could not fight her lee lower-deck guns, would it not have been, &c.—That seems matter of opinion, and depends on their ships.

*Sir Hugh Palliser.* Did the admiral make the signal for battle while the fleet was scattered and dispersed?—Here again the vice-admiral was called upon to attend to the words of the witness. The witness averred he had never said the fleet was scattered and dispersed. The four ships indeed that were ordered to chace were separated. This, Admiral Keppel said, he meant them to be, and he hoped there would be found no more of these misstatements.

*Q. by Admiral Montague.* Can you acquaint the Court of any instance within your own knowledge, during the time the British and French fleets were in action, that Admiral Keppel neglected to do his utmost to burn, sink, and destroy the enemy, having it in his power so to do, or negligently performed the duty imposed on him? —I have always had the greatest esteem and the greatest opinion of Admiral Keppel, as an officer; I have so still, but I have been giving evidence upon facts, and the answering that question would be judging upon them, which I have no right to do.

*Admiral Montague.* In both articles of the charge, Admiral Keppel is charged with running away from the French fleet. Did you that day see him run away from them, instead of advancing to renew the engagement, as he might and ought to have done, which are the words expressed in the charge?

The charge was then read, and an objection started by Sir Hugh Palliser to the question, as contrary to law. Upon which several members of the Court-martial said, they did not care six-pence in this case, for the law; we are come here to do justice, and hope, in God's name, it will be done.

*Admiral Montague.* If Admiral Keppel ran away, Captain Digby did so too; and I suppose every part of the fleet followed their leader. Did you that day run away from the French fleet?—No.

WEDNESDAY, January 13.

*Continuation of Captain Digby's evidence.*

*Admiral Montague.* In the second article of the charge against Admiral Keppel, it is stated that he did not collect his ships together in the morning of the 27th, when the French attacked him; were not the van and the centre of the English fleet engaged when they passed?—Great part of them were.

*Q.* Was the ship you commanded engaged?—Yes.

*Q.* What was the condition of your ship?—Our main-top sail was cut to pieces, our standing and running rigging very much cut, so that we were not able to wear for some time. The fore-mast wounded in several places, and in one place it was cut one half through. Several of the other masts were wounded; the main-yard and main-mast in particular.

*Admiral Montague.* In the situation of your ship, was it such as you could have renewed the attack, if the admiral had tacked immediately after the enemy?—I do not think my ship was in a condition to seek an attack for a good while.

*Admiral Montague.* How long was it after, before you could have renewed the attack, if the Admiral had thought proper so to do?—It was near seven o'clock before I was able to tack; the lee leach main-sail being so cut, that I could not set it upon the other tack, which was necessary on account of my being so far to leeward.

*Admiral Keppel.* I must ask Captain Digby a question. Could he, with a squadron of ships under his command, while the French were in the situation described on the 24th, 25th, or 26th, with such weather, wind, and sea, as he has described, and seeing an enemy of equal force to the leeward, in the position he has stated; could he have hesitated one moment, on account of weather, wind, and sea, to have led his squadron down to battle?—I believe I should have attacked them.

*Admiral Keppel.* I asked whether you would have hesitated one moment?—I think I should not have hesitated.

*Admiral Keppel.* Can he inform the Court of the relative situation of the English and French fleets, at day-light of the 27th of July?—As well as I recollect, we were both on the larboard tack, the French fleet, about six, seven, or eight miles to windward of us.

Then a fresh witness, *Captain Windsor*, of the *Fox*, was called, sworn, and examined. His evidence was in effect as follows:

Q. Did you receive any orders from the admiral on the morning of the 27th of July?—I did.

Q. At what hour?—A little before five.

Q. What were the orders you received?—They were to stand towards the *Formidable*, with the admiral's compliments to Sir Hugh Palliser, and that he only waited for Sir Hugh Palliser and his division, bearing down into his wake to renew the attack on the enemy.

Q. Did you then commit these orders to writing?—No, Sir.

Q. From whom did you receive those orders?—From Admiral Keppel.

Q. Did he give them to you on board, or by hailing?—I was not on board, I received the message under the *Victory*'s stern.

Q. From the admiral himself?—Yes.

Q. What time did you deliver your orders?—By the time I received them, it must be about half past five.

Q. Who did you deliver them to?—I repeated the message twice to you, Sir Hugh Palliser.

Q. In delivering the message, did you use the exact words you have before, in the course of your evidence, repeated, or did you only inform me that the admiral wanted my ships to come in his wake?—I have already repeated my message word for word, as I delivered it.

Q. What answer did I give you?—That you understood me very well.

Q. Did not I bid you inform the admiral that I had repeated his signals for the ships to bear down?—I did not hear any such message.

*Admiral Montague.* Did you see Admiral Keppel on the day of the engagement, or the day after, run away from the French fleet?—No.

THURSDAY, January 14.

*Captain Hood,* of the Robuste, was called upon and sworn:

*Admiral Keppel.* Mr. President, I know it is expected by some, that, after the History which the Court had received of the alterations made in Captain Hood's log-book, by his order, since it was known that my trial was to come on, I should object to his evidence.

*Sir Hugh Palliser.* I beg Captain Hood to inform the court, what those alterations were, before he gives his evidence.

*Captain Hood* observed, that the winds, the courses, and the distances, in the Robuste's log-book stood unaltered. That the corrections were in the narrative part, and, not knowing but he should be called there a prisoner perhaps, and not an evidence, he was willing to have it correct. Many reflections he said, had been cast upon his character in public, which much alarmed him; he therefore thought it necessary to correct his log-book for the honour and safety of the officers in his division. He begged leave to call the master of the Robuste, with lieutenants Pitt and Lumley, to clear up the matter; adding, that he conceived a captain of the navy had a right to alter and correct his log-book.

The first question by *Sir Hugh Palliser* was then put,—What were the alterations you made in the log-book?—The captain replied, the first alteration is in sending out the ships to chace in the morning; my log-book first stated, that the vice-admiral sent out the ships to chace; I altered it to the admiral made signal for our ship and others to chace. The second alteration speaks more fully to the admiral's signals in the afternoon to wear down. The other alteration is the seeing the three ships in the morning of the 28th, which was omitted in the original. The log-book before the court speaks of the Robuste bearing down to his station in the afternoon, and keeping as near to it as a disabled ship could, the admiral making much sail.

*Admiral Arbuthnot.* If the Admiral had thought fit to have renewed the attack when the French line was broke, could you have obeyed his signal and gone down to the enemy in the condition you were in?—I could not.

*Admiral Montague.* From their relative situation, as you have described them, do you think the British admiral was running away from the enemy?—At that time there was no appearance of a flight.

Did the admiral run away any other time?—There was nothing in his conduct at any time which indicated, in the most distant manner, a flight. In the morning he pursued them.

FRIDAY, January 15.

At ten o'clock the Court was resumed, when *Captain Hood*, of the Robuste, was again called to the bar.

*Admiral Montague.* Did you see the French fleet to leeward.

on the morning of the 28th?—I did not see the French Fleet to leeward on the 28th, except three sail.

*Q.* Did you see when the admiral made the signal in the morning of the 28th for the three ships to be chased, any ships that made a signal to set up their rigging?—I saw the flag for some ships to chase, in the south east, early in the morning. I do not recollect at that time to have seen any signal for ships to set up their rigging.

*Sir Hugh Palliser.* By the admiral's shortening sail, whilst standing towards the enemy, hauling down the signal for battle, wearing and standing to the southward, with the French fleet then a-stern, did you or did you not then conclude that the admiral had determined not to re-attack that evening?—I did not see the admiral shorten sail. I cannot pretend to judge of the admiral's determination.

*Admiral Montague.* Do you think, supposing the British fleet to sail equally well with the French fleet, there was a probability of the admiral's coming up with them before night, provided they had continued to fly from him?—I think not.

*Admiral Montague.* Supposing the British Admiral had chased the French fleet, and seen them go into port, supposing himself to be within four leagues of the French coast, and a gale of wind had come on, would not the British fleet have been in great danger in the condition it was, making the enemy's coast a lee-shore?—I certainly think the disabled part of the British fleet would have been in danger.

*Q.* Had the French fleet, after the action of the 27th, when to leeward, continued to lay to till day light next morning, do you not think that Admiral Keppel would have bore down, and engaged them, provided the ships were in a condition so to do?—He certainly would.

*Captain Hood* was then cross-examined by Admiral Keppel, with an intention to prove that the alterations in the Robuste's log-book were made after he had heard of the intention of calling a Court-martial on him.—To which the captain replied, he had only heard rumours in common conversation.

*Admiral Keppel.* Am I to understand, Sir, upon the oath you have taken, that you had not heard of my intended trial, when you directed those alterations to be made?—I had heard it as a common conversation, but no further.

Had you not then heard, that Sir Hugh Palliser had exhibited a charge against me, though you did not know the particulars of it? I had heard there was to be a Court-martial, therefore I knew there must be a charge.

*Q.* What then led you to discover, four months afterwards, any error in the state of the transactions of these two days which you did not discover at the time?—I was led to the discovery of the truth for the sake of myself.

*Admiral Keppel.* Mr. President, as that alteration in Captain Hood's log-book tends to affect my life, I shall ask him no more questions.

*Sir Hugh Palliser* here requested leave to offer a few words to

the Court, in consequence of what Admiral Keppel had just said ; and being indulged, he condemned the admiral's impeachment of Captain Hood's credit and character, and pledged himself to examine many witnesses in the progress of the trial, to resist, defeat, and confute the cruel and invidious attack.—He was stopped in his career by the Court, who declared they could not sit and hear it called a cruel and invidious attack in the prisoner to ask such plain and straight questions as were necessary to the investigation of truth.

*Admiral Montague* said, That he had heard no impeachment of Captain Hood's character whatever. The admiral had stated a plain fact which was acknowledged by the captain, and that fact rendered him no longer eligible, however competent, as a witness: the expressions of the accuser might be proper in Westminster Hall, but they could not be tolerated in a Court-martial.

It was determined that the speech of Sir Hugh Palliser should not appear on the minutes.

*Admiral Montague*. From the whole of the transactions of the British fleet on the 27th and 28th of July, did it appear to you, as an old and experienced officer, that Admiral Keppel did, on either of these days, tarnish the honour of the British fleet?—I have long had the honour of knowing the honourable Admiral, and I still respect him, notwithstanding my evidence will not be farther requisite. His character is above my praises. I have given my evidence, as far as it has gone, with honour and integrity. The Court must therefore judge and decide upon that question.

#### SATURDAY, January 16.

*Captain Allen*, of the Egmont, was then called by Sir Hugh Palliser as a witness in support of the charge, and examined as to the circumstances of the action; concerning which, so far as his memory served, his depositions were materially the same with those of former witnesses: but he alleged that his log-book and journal were at Plymouth.

Q. When you joined the vice-admiral of the blue, about seven o'clock, did you then see the signal on board the Victory for the line of battle a-head, and the blue flag under it, in bearing down to the Victory?—I did.

Q. Had you ever seen it before in the course of the afternoon? I had.

Q. When you was to windward, at seven o'clock, of the vice-admiral of the blue, did you see him with the same signals out as the Victory?—I only saw the signal for bearing to the vice-admiral's wake with my signal.

Q. I would ask you, whether in the condition your ship was in, after the action, and in the morning of the 28th, you was fit to chace like a man of war, and to entangle yourself on a lee shore, on an enemy's coast, without being in imminent danger?—She was not in a condition to chace, much less to be entangled on a lee shore, on an enemy's coast.

Q. How many hours after was it, before your ship was in a

condition to renew the engagement, if the admiral had thought proper so to do?—Three hours and a half.

Q. Then Sir, was it not more proper, and prudent, in the admiral, to lay to, and repair his disabled ships before he renewed the attack, than to have returned to the engagement immediately?—Assuredly it was.

Q. Then Sir, upon the whole, did it appear to you, as an old experienced officer, that Admiral Keppel did, by his conduct, either on the 27th or 28th of July, tarnish the honour of the British navy?—No, and I should not take upon me to say thus much, if I had not been forty years at sea, and three and thirty years an officer. I look upon it, the admiral did much honour to, instead of tarnishing, the British navy.

TUESDAY, January 19.

*Captain Robinson*, of the Worcester, was called and sworn.

His examination and 'depositions were similar to those of the other officers; he said, that on the morning of the 27th of July, the French appeared in a straggling line of battle; the English in the usual state of sailing ships; that he judged, as every effort had been made in vain, after the 23rd, to bring the French to action, the admiral then made the signal for his ship, with others, to chace to windward, to endeavour to bring the French to action, if possible; that, if the admiral had made a signal for forming, and chacing in a regular line, he could by no means have brought them to action that day.

Was then the Worcester at your command, in a condition to go down on an enemy's lee shore and begin a general engagement?—Not to go on a lee shore by any means whatever, or to chace.

The last question proposed, was by *Admiral Montague*. Upon the whole, Sir, as an officer of experience, I ask you whether you think there was any thing in the conduct of Admiral Keppel on the 27th and 28th of July, which tarnished the honour of the British navy?—No; I have had the honour of knowing Admiral Keppel many years. I always looked upon him as an exceeding good officer and a good man; and believe him so still, having no reason to alter my opinion.

*Sir Hugh Palliser* proceeded to call Captain Bazeley, of the Formidable, who was sworn.

*Captain Bazeley* deposed that the ships, ordered away from the vice-admiral's division, did not leave him to go into action so well supported as the other flag officers: and that on this account, the damages the Formidable received, were much greater than they would otherwise have been. That the enemy by forming a line to leeward, shewed a disposition to renew the engagement; which the British fleet seemed to avoid. That he did not hear the Fox frigate deliver a message to the vice-admiral of the blue; but that the Fox cheered first; on which his expression to the men on the forecastle of the Formidable was, 'That's hearty, my lads, now return the cheer.' He said the three strange ships seen on the morning of the 28th, were not, to his observation, chased by

any of the British fleet; but being asked—If the British fleet had pursued those three ships, and supposing the French fleet to have been in the same direction they steered, was there not a probability of some of our undamaged ships coming up with those three ships, or the disabled ships of the French fleet, and have taken them if the French fleet had abandoned them, or, if they had staid by them, another engagement might have been brought on?—he replied, that being a matter of opinion, I beg leave to decline an answer. The following were the most material questions that ensued.

Q. Being the middle of summer, short nights, and moderate weather, do you apprehend it would have been attended with any imminent danger, if the British fleet had pursued that of France, for the chance of coming up with some of them, at least so far as seeing them into port, or to have made the land?—It appeared to me to be not dangerous.

Q. If you, Sir, had had an engagement with a single ship at that distance from Ushant, and had beat her to occasion her to run away, do not you think you ought to pursue her till you had seen her into port, all your lower masts being standing?—In a single ship, I should not have hesitated a moment.

*Admiral Montague.* In the course of your evidence, you have said the chacing ships came into action separate, do you know the cause of their doing so?—The distance of them appeared to me to be by their chacing in the morning by signal. Whether they could have come into their station of line of battle after chacing, I know not.

Q. Did you, on the 27th of July, see any action of Admiral Keppel that indicated flight; or did you see the French fleet pursue us and offer us battle?—The British fleet stood upon the starboard-tack forming a line, the enemy were a-stern forming a line, whether that has the appearance of a flight, I beg leave to refer that to the opinion of the Court.

*Admiral Roddam.* You said the French fleet seemed to wish to renew the action, what were your reasons for so thinking?—The French fleet forming a line to leeward of the British.

Q. You say you did not think the commander in chief intended to renew the action that afternoon, after hauling down the signal for battle—What were your reasons for so judging?—Standing from them, and carrying so much sail, that we could not keep up with him, or preserve our distance.

Q. Did the Formidable make any signal that you could not come up?—No.

Cross-examined by Admiral Keppel.

*Captain Bazeley* has, on some occasions, refused giving his opinion, in others he has given it, which is not consistent; but, as he says the admiral did not wish to renew the engagement, and gives for a reason, that he carried too much sail, I now ask him, what sail the commander in chief did carry on the afternoon of the 27th, while standing to the southward?—I cannot particularly recollect what canvass she had; my reason for so saying was the Victory's fore-reaching the Formidable.

Q. Then inform the Court how you know she carried much sail?—I mean to explain myself about much sail.

*Admiral Keppel.* A direct answer.

*Witness.* As the admiral has declared he means to examine me close, I beg leave to recollect myself. In the disabled state the *Formidable* was in, what I have related to the Court is true, with respect to the *Victory's* being at that time (to the best of my recollection) under her top-sails and fore-sails.

FRIDAY, January 22.

By the continuation of Captain Bazeley's cross-examination, it appeared, that the minutes of the signals, made on the 27th and 28th of July, were taken on board the *Formidable* by two midshipmen, who have been since appointed mates in other ships; and, on their receiving that appointment, were delivered to Mr. Perry, then another of their midshipmen, and who, being since made a lieutenant of the *Triumph*, at Chatham, carried them away with him from the ship; but they were not, he said, very correct, as the master had informed him. He meant they were not full enough; but no alterations or additions had been made in them.

*Sir Thomas Pye* observed, that the witness had said, in the course of his evidence, that in the condition of his ship, he would not have hesitated to pursue a single ship of the enemy, till he had seen her into port; he wished to know, whether his ship was then in a condition to chace an enemy upon a lee shore. Captain Bazeley replied, that he did not consider himself on a lee-shore, unless he could see the land, and the wind blowing right upon it; and that, immediately after the engagement, he would have thought himself justifiable in doing so; but on the morning of the 28th, when the three French ships were in view, he should not have hesitated a moment to chace; nor did he think he should have done his duty, if he suffered the enemy to go away unpursued.

*Sir Richard Bickerton*, Captain of the *Terrible*, being called next, he confirmed the signals having been made by the admiral at different times on that morning, for six ships of the blue division to chace, and their consequent separation from their flag and each other. He mentioned his own ship, the *Terrible*, as one of the ships that chaced in consequence of those signals, and he remembered three others of them to be the *Egmont*, the *Robuste*, and the *Worcester*. Those signals, he thought, were the means of bringing on the engagement sooner, but prevented the ships, to which they were made, from engaging altogether at the same time, on account of their chacing from different situations, and of their different rates of sailing. He saw no particular signals afterwards made by the admiral for those ships to tack; but the witness, from his own judgment, tacked a little before the general signal was made for the whole fleet to tack. If those six ships had not been so taken from their flag, that division would certainly have come into action more connected, and in a better condition to support one another. He remembered the *Formidable* coming across the *Terrible* whilst she was engaging the next ship a-head of the *Bretagne*; until which time he believed there was not any ship

near enough to afford him any support, and, for fear of being abdard of the Formidable, the witness edged away a-stern of her. The van and centre divisions appeared to him very well connected together, and the distance he was from them, gives him reason to believe, that the commanders in those two posts, were well supported; but, the chacing ships of the blue division being extended seven or eight miles from the centre, the commander of that division, was certainly not so well supported; nor was the witness able to answer, that the vice-admiral of the blue, had equal support with the vice-admiral of the red, going into action, or during any part of it. From what appeared to him, he did not think the British fleet in a condition to renew the action. His own ship certainly was not; he admitted, however, that, had he been engaged with one of the enemy's ships on the same tack, the condition of the Terrible was not so bad as that he would have left the enemy, for he would have fought whilst he had steerage-way, or the least command of the ship.

Being cross-examined by the Court, respecting the effects of the signal for chace in the morning, he declared, that, from the disinclination the enemy had always shewn to come to action, he believed the engagement could not have been brought on, had the admiral, instead of the signal for chace, made signal for forming a line, and bore down into the vice-admiral's wake; but that, he said, must depend entirely on the will of the enemy. He said further, that it was his ship that came into action sooner than if the line had been formed.

Having said, in answer to a question from Sir Hugh Palliser, that, during his knowledge of the service, he never heard of an instance in which a vice-admiral had, under any circumstances, called back ships that were chacing by signal from the commander-in-chief.

*Admiral Montague* immediately asked him, Whether, as an experienced officer, he would not have thought it his duty to tack without any signal from the admiral, under the particular circumstances of that case?

To this he replied, that he had in fact done so, and thought he had done his duty; for, conceiving the admiral's object was to bring the enemy to action at all events, he made all the sail he could, till, finding the wind had shifted two points, and that our fleet was then able to bring the French to action, and that the British admiral had actually begun to engage, he thought proper to take his station in the line, and get into action as soon as he could; he thought his duty warranted him to do this, but he could not say that the vice-admiral would have been warranted in calling him from the chace into the line. He confirmed the evidence already given respecting the three French ships, which were near our fleet on the morning of the 28th, and were not pursued; though he admitted that there were some of our ships not disabled; that two of the enemy's ships appeared to be frigates, and that we had four frigates in our fleet, one of which was sheathed with copper. He was of opinion, however, that if chace had been given, there was no probability of coming up with these ships, or bringing on a general engagement.

*Admiral Montague* then said,—Supposing the French fleet had not run away in the night, but had continued to lie to leeward, as they did the night before, jogging on with the English fleet in a parallel line, do you not think admiral Keppel would have engaged with them in the morning? The witness answered, that he believed most heartily he would.

*Admiral Montague* having, in the course of this day, perceived that three leaves had been taken out of the log-book of the *Formidable*, containing the work of the 26th, 27th, and 28th of July, and others tacked into the book in their stead, asked captain Bazeley if he knew how that came to be done?

The captain's answer was, that he knew nothing of it—there was a fair book made out; he ordered the old original log-book to be brought; he knew no more of it.

*Admiral Keppel* wanted to keep the Court sitting beyond their usual time, in order to have the master of the *Formidable* examined upon this circumstance; but, the master not being then in the way, he was ordered to attend the next day.

#### SATURDAY, January 23.

*Admiral Keppel* having finished with this witness, Sir Hugh Palliser addressed the Court in these words:

‘Sir, the cutting leaves out of the *Formidable*'s log-book, is a fact of which I was totally ignorant, until it was perceived by a member of this Court; nor could any person be more astonished at it than myself; it is my most anxious wish to have this matter fully investigated; and, for that purpose, I have ordered the master of the *Formidable*, and the mate who made the entries, to attend here this morning; and, that they may be most strictly interrogated upon the matter, I desire they may be examined by the Court and Admiral Keppel, without any previous question from me.’

*Mr. Forfar*, the master of the *Formidable*, being then called and sworn, and his former oath read to him, respecting the originality of the log-book,

*Admiral Keppel* observed, that his reason for wishing to trouble the Court the preceding day, when he requested the master of the *Formidable* might be immediately interrogated respecting that alteration, was to prevent any intermediate communication between him and others upon that subject; he therefore desired to know, who was the person who first acquainted him, that the Court had discovered any extraordinary circumstance relating to the book; and whether, and with whom, he had any conversation upon that subject before the rising of the Court the evening before? The witness answered, that he had heard a woman mention it to another in a shop where he had been; that it was between one and two o'clock, at that time, and he immediately came to the witness's room, that he might be ready to attend the Court if he should be called; that in his way, he met the master of the *Foudroyant*, who told him, he thought he would be wanted on that business; that he spoke to no other person till he came into the witness's room, where he saw captain Walsingham, who

told him, he supposed he was come about the log-book ; that he had no other conversation with any person about it, till after the Court broke up, when he conversed upon it with captain Bazeley, at his lodgings, next door to the vice-admiral's ; shortly after which he went to Sir Hugh Palliser's house.

Sir Hugh Palliser here observed, that, in order to save the Court trouble, he readily admitted, that he had not only conversed with the witness the evening before on the subject, but had interrogated him very strictly indeed upon the subject.

The admiral, however, wishing in conformity with Sir Hugh Palliser's desire, to be minutely strict in his enquiries, proceeded in his interrogations ; by which it appeared, that the witness had been at Sir Hugh Palliser's, about an hour and a half ; that their conversation was in the presence of almost all the officers of the Formidable, Counsellor Hargrave, and Mr. Astley, the vice-admiral's solicitor.

The work of the 25th and 26th, he said, had been copied from the log-board into the log-book as usual ; but, from the hurry of all the people on the day of action and the following day, the work of the 27th and 28th was not entered till the 30th ; when perceiving that, in the two days' work already entered, he had omitted the minutes of signals taken by the two midshipmen, who had been appointed for that purpose, he took out the leaves, and entered the work again, in doing which he spilled some ink on the next blank leaf, which he also cut out on that account ; and having re-entered the work of the 25th and 26th, exactly as it stood before, only with the addition of the signals ; he ruled two pages for the work of the 27th and 28th, but finding it not sufficient to fill up two pages, he put the two days' work into one page. The reason that the log-board of the 27th and 28th had not been copied sooner into the book than the 30th was, that he took it first on a sheet of paper, according to custom, in order to shew it to the captain and vice-admiral, before he entered it in the log-book ; that which he had so taken off, was approved of by them, with some little addition respecting signals and time ; the particulars of which he could not then precisely recollect ; but he proved, the work, as it appeared corrected, was precisely the same as it stood then in the log-book on their table, -

There had been minutes of signals taken on board before they began action, but none, that he saw afterwards, unless by recollection. There was another log-book belonging to the ship, copied from that on the table, a day or two after the engagement, and was exactly the same, except in the circumstance of three ships, whose signals were made to chace on the morning of the 28th, and soon after hauled down. This remark was not set down in the book which had been given into Court, but was interlined in the other book, about the time the fleet arrived at Spithead. This interlineation was the reason of his giving in the one in preference to the other, as he could swear that the one given in was without alteration or addition ; but could not say so of the book which was so interlined, though, in every other respect the two books were alike and equally authentic.

The prisoner and prosecutor then mutually desiring that the other book should be also left on the table, the Court assented to it accordingly.

One of the Court then remarked, that, in the work of the 27th, in the log-book there was no minute of any signals but two; that for chacing in the morning, and that in the evening for ships to windward to bear down; and, upon questioning the witness with regard to this omission, he declared, that he knew of no minutes for signals being taken, except from recollection, from the time the engagement began; Those two midshipmen, who used to take them, were after that time obliged to attend other duties, being the only two midshipmen to be depended on in the ship.

*Sir Hugh Palliser* then desired the witness should be asked, whether he knew, or had any reason to believe, that captain Bazeley, or his vice-admiral, had any knowledge of the leaves being cut out of the log book, until that circumstance appeared the evening before on the trial.

He answered, that he believed they had not.

Admiral Keppel having done with this witness, addressed the Court thus:

‘ Mr. President,

‘ I shall ask no more questions concerning the minutes; but I cannot help expressing my surprise, that the midshipmen should take down the signals to chace, which the prosecutor dwells so much on, omitting all the others by which they were called together during the rest of the day. And I have but one more observation to make on the accuser’s address to the Court; his offer was intended to carry the appearance of candour, when he requested that the master might be exposed to the strictest examination by the Court and me, without any previous questions by himself; whereas it now turns out, just as I expected yesterday, when he resisted my application to the Court to call the master instantly, that he has been previously examined by *Sir Hugh Palliser* and his friends.’

*Sir Hugh Palliser* replied; ‘ The postponing the examination of the master yesterday was the act and the proposition of the Court, before I said any thing; as to my speaking to the master since, about cutting out the leaves, it was very natural that I should make an enquiry into a fact, which I was before so totally ignorant of till yesterday, and so much surprised at. I shall continue to give the Court the utmost information and satisfaction on that point; and for this purpose I have sent expresses to endeavour to find the midshipman who succeeded those two that made the signal minutes, and who is now supposed to be in possession of them. He is supposed to be somewhere on board a tender in Wales, or on board some other ship; I shall take every step in my power to find him out, and obtain, if possible, the original minutes which he carried with him from the ship.

MONDAY, January 25.

*Captain Goodhall*, of the *Defiance*, one of the ships belonging to the blue division, proved, in behalf of the prosecution, that,

when he began the engagement, there were none of our ships near enough to support him ;—that the Victory, after the action, passed a mile or a mile and a half beyond the enemy, before she turned about towards them again ; and that the vice-admiral of the blue's division appeared to him, after that time, nearer to the enemy than the admiral's division. That the motions of the enemy, after the battle, indicated a readiness to receive an attack, but not a disposition to make one ; for, if the latter had been their inclination, it certainly was in their power. He observed, that the whole British fleet appeared in a condition to re-engage near the close of the day ; but, for his own part, his ship was ready to make an attack again in 40 minutes.

On the cross-examination of Captain Goodhall, he declared upon the whole, that there was no operation of the British fleet on the 27th or 28th of July, which had the appearance of flight ; but that the French fleet did fly, and avoid the British fleet on the morning of the 28th.

*Sir John Lockhart Ross*, captain of the Shrewsbury, was the next witness called by the prosecutor, whose ship, being the weathermost ship of the whole fleet, had been ordered to chase at a quarter past five on the morning of the action ;—he gave a technical detail of the manœuvres of the enemy previous to the engagement, and, on the adjournment of the Court, was ordered to attend the next morning.

#### TUESDAY, January 26.

After Sir John Lockhart Ross had undergone some examination by Sir Hugh Palliser, in the usual manner, the following summary questions were asked by Admiral Montague. As most of the questions that are asked are suppositions and opinions, I beg to know, if the British fleet, when they came out of action, had received little or no damage, whether you think Admiral Keppel would have renewed the action immediately ?—Most certainly he would.

Q. Did you see the British fleet run away from the French, or have the appearance of flight, and did the French fleet pursue it and offer it battle on the 27th of July, so as to give the French Admiral a pretence to boast of a victory ?—Most assuredly at no period of time did I ever see the British fleet run away, or have the least appearance of it.

Q. Then, Sir, did you see the honour of the British navy tarnished on either the 27th or 28th of July ?—I did not in any respect.

Q. In the morning of the 28th, when you found the French fleet were gone ; did you not look upon it they had run away from the British fleet ?—Certainly I did.

#### Cross examination by Admiral Keppel.

Q. Did I use every means as an officer to come up with the French fleet, and bring them to battle, from the 24th to the 27th of July ?—You did, by carrying proper sail, both by night and day.

Q. If I had pursued the French fleet in line of battle, would it have been possible to have preserved our nearness to them — You could not.

Q. Was it not in the power of the French fleet, every day, from the 24th to the 27th of July, to have brought on the action?—It certainly was, they being always to windward.

Q. If I had formed my line of battle on the morning of the 27th, do you imagine I could have brought the French fleet to battle that day?—No; because, had you made the signal for line of battle, and the weathermost ships had only bore down on the wake of the leeward-most ships, we should have been five leagues to leeward of the centre of the French fleet.

Q. At the time the French fleet were so near, and the favourable change of wind to us happened, must not the French admiral have given up some of his rear ships, if he had not risked battle with his centre?—Most certainly.

Q. Did it ever appear to you in the afternoon of the 27th, that I had given over my intent of renewing the action if I could in time have formed my line of battle?—Certainly not, the Shrewsbury was on her station all night.

Q. You are an officer of long experience in the service, I therefore, Sir, desire you to inform the Court, whether you observed any instance on the 27th or 28th of July, in which I negligently performed my duty, or the trust imposed on me?—I know of none. In every respect the admiral discharged his duty, as far as I can be a judge, becoming a brave and gallant officer.

The next person called was *Lord Mulgrave*.

After the prosecutor had finished his examination of *Lord Mulgrave*, *Admiral Montague* asked his lordship, if he had seen any instance of neglect of duty in the commander in chief on that occasion?—Upon which his lordship replied, that he had taken an oath to answer all such questions as should be asked of him; but he conceived that oath to relate to facts, not to opinions, which were naturally liable to error; he had given his evidence upon every matter that had come within his knowledge, and to the fullest of his power; but, as to his opinion, on this occasion, he had ever yet declined giving it, even to his most intimate friends.

The admiral then observed, that his lordship had mistaken his meaning; he did not desire him to speak from opinion, but from what had fallen within his observation or knowledge.

*Lord Mulgrave* replied, that he had perfectly understood his question, if he understood the language. It importuned him much, being upon his oath, to abide by his own understanding, and not by that of other people. Negligence, he said, implied criminality, and he must be equal to the duty of a commander in chief before he could decide upon the propriety or criminality of his conduct; the Court only were competent to that task; and if the answer to that question were to be insisted upon by the Court, they would not then be trying the admiral; but as a witness, he did not think himself bound to answer it: and if an individual member of the Court continued to press the question upon him, he must request that the Court would first withdraw to form their judgment upon its propriety; and that they would seriously take into consideration their own oath and his.

His lordship having uttered this with a degree of feeling which did not appear to be much relished by *admiral Montague*, the admiral began to express his displeasure by an immediate address

to the witness, who quickly interrupted him with an appeal to the president, declaring that, if he was to receive a reprimand for his language or conduct, it should, according to the custom of all courts-martial, be from the whole Court, but not from any individual of it.

*Admiral Montague* with some warmth, declared, that not only this language from the witness was extraordinary at such Courts, but that indeed the whole of the trial was new.

*Lord Mulgrave* then observed, that the right of putting questions was not disputed by him; he had only declared, that a right of passing a censure was not in any single member, but in the Court at large.

*Admiral Montague* grew warmer upon this; he declared he had never seen any thing like this behaviour in a witness during six and forty years that he had been an officer, and thirty years that he had been a captain and an admiral. He did not know what to say to it, but hoped it would have no influence on any member of the court.

The Court then withdrew for nearly an hour and a half; after which, the president acquainted *Lord Mulgrave*, that the Court, upon deliberation, had come to a resolution, that the question should be again put by the judge advocate, but left him at liberty to answer or decline it. They had also, he said, come to a resolution respecting his lordship's conduct, which the judge-advocate should read, as coming from the president, viz. 'I am directed by the Court to observe, that, in the course of the reasoning you thought fit to offer in objection to the last question proposed to you by a member of this Court, you have used language unbecoming the dignity of this Court to receive, without expressing their disapprobation thereof, which I am directed to express accordingly.'

*Lord Mulgrave* then assured the Court that he had intended no offence, and that he was extremely sorry the Court should misconceive him;—but he was interrupted by the president, who desired the question should be again put; and, his lordship still declining to answer it, *Admiral Montague* instantly moved to adjourn, whilst his lordship was attempting to resume his observations on the censure of the Court.

THURSDAY, January 28.

*Sir Hugh Palliser* informed the Court, that with their leave he would call on the Earl of Sandwich, to exhibit and prove to the Court the letters he had received from *Admiral Keppel*, relative to the transactions of the fleet on the 27th and 28th of July. He would not have called, he said, for this mode of proof, if the admiral had not set the example. He added that, if the admiral had no objections, he would also call for the admiral's and his own private letters to *Lord Sandwich*, relative to the transactions of the engagement. He did not know, he said, that they contained any thing to the prejudice of the admiral, but he would not desire to call for them if disagreeable to the admiral.

*Lord Sandwich* stated to the Court, in a few words, that as he had no evidence to give but what was contained in private letters, he supposed there was no further occasion for his presence. He confessed, he said, he was pleased that the Court

had not called for the production of these letters, since there were some circumstances in them not proper to be published. These circumstances did not relate to the subject of accusation, or the conduct of the admiral, but were reasonings on the state of the navy, information with respect to officers, and other remarks, which it might not be eligible to discover. His lordship then withdrew.

*Mr. Christian*, master of the *Ramillies*, proved,

That he had been used to cruize off Brest last war; that he did not consider Ushant as a dangerous lee-shore in the situation of the wind and weather, on the morning of the 28th, and that he apprehended no danger in chacing the enemy there at that season of the year.

It appeared that two leaves had been torn out of the log-book of the *Ramillies*, and Admiral Montague made some severe observations on this circumstance, as having rather an extraordinary appearance; but the witness swore he did not know how, when, or by whom, they were torn out, and supposed it had been done by some of the young gentlemen on board the ship.

*Admiral Keppel* asked no questions of this witness, as he said, 'he would not condescend, as commander in chief, to put his conduct in competition with the judgment of a master of a man of war.

FRIDAY, January 29.

The master of the *America* was called in.

*Q.* How were the wind and weather on the morning of the 28th?—Wind about west, weather moderate.

*Q.* Would you have advised not to chace a flying enemy at that time for fear of making Ushant a lee-shore?—I should not be afraid of Ushant as a lee-shore until I was within three or four leagues of the land.

*Q.* Under what circumstances must a ship be to make Ushant a lee-shore, and what kind of weather must it be?—When a ship is between Ushant and the Seames, and the wind at W. N. W. or W. blowing a gale of wind, she must be supposed to be in great danger.

*Court.* Then, supposing a fleet of thirty sail, and some of them disabled, to be between Ushant and Seames, would they be in danger, supposing it moderate weather?—Not if they were three or four leagues and could carry sail.

*Sir Hugh Palliser.* If one ship could be safe while carrying sail, would not thirty able to carry sail be equally safe?—I think one ship would be able to get off the land in weather when a fleet could not.

*Sir Hugh Palliser.* As the evidence on my part is now concluded, I beg leave that the judge-advocate may read an address of mine to the Court, on the evidence that has been delivered.

*Admiral Keppel.* Mr. President, the evidence on the part of the prosecution being closed, I trust it is not presumption in me to declare that I do not resist the desire of the prosecutor to address the Court by speech from any apprehensions of danger, but, as I have never heard or known of any such attempt in Courts-martial, and such a precedent might be attended with bad consequences in other cases, I trust that my case, which in many instances is sufficiently new, will not be distinguished by any such innovations.

*Sir Hugh Palliser.* Mr. President, considering myself not suffered to address the Court in the conclusion of my evidence for the crown, I cannot think of waiving it, but must take the opinion of the Court.

The Court, having retired a few minutes on this question, returned, and the judge-advocate read the resolution: ‘It not coming within the knowledge of any member of this Court, that it has been the usage of Courts-martial to receive any thing from the prosecutor on the merits of his cause, when he has declared that he closed his evidence; therefore it is resolved, that the paper now offered to the Court by the prosecutor cannot be admitted.’

SATURDAY, January 30.

This morning, at half past ten o’clock, the Court was resumed, and Admiral Keppel delivered the following speech:

*Defence of Admiral Keppel.*

SIR,—After forty years spent in the service of my country, little did I think of being brought to a Court-martial to answer to charges of misconduct, negligence in the performance of duty, and tarnishing the honour of the British navy. These charges, Sir, have been advanced by my accuser. Whether he has succeeded in proving them, or not, the Court will determine. Before he brought me to trial, it would have been candid in him to have given vent to his thoughts, and not, by a deceptive shew of kindness, to lead me into the mistake of supposing a friend in the man who was my enemy in his heart, and was shortly to be my accuser. Yet, Sir, after all my misconduct; after so much negligence in the performance of my duty; and after tarnishing so deeply the honour of the British navy; my accuser made no scruple to sail a second time with that man who had been the betrayer of his country? Nay, during the time that we were on shore, he corresponded with me on terms of friendship, and even in his letters he approved of what had been done, of the part which he now condemns, and of the very negligent misconduct, which has since been so offensive in his eyes!

Such behaviour, Sir, on the part of my accuser, gave me little reason to apprehend an accusation from him. Nor had I any reason to suppose, that the state would criminate me. When I returned, his majesty received me with the greatest applause. Even the first lord of the Admiralty gave his flattering testimony to the rectitude of my conduct, and seemed with vast sincerity to applaud my zeal for the service. Yet, in the moment of approbation, it seems as if a scheme was concerting against my life; for, without any previous notice, five articles of a charge were exhibited against me by Sir Hugh Palliser, who, most unfortunately for his cause, lay himself

under an imputation for disobedience of orders at the very time when he accused me of negligence. This, to be sure, was a very ingenious mode of getting the start of me. An accusation exhibited against a commander in chief might draw off the public attention from neglect of duty in an inferior officer. I could almost wish, in pity to my accuser, that appearances were not so strong against him. Before the trial commenced, I actually thought that my accuser might have some tolerable reason for his conduct. But from the evidence, even as adduced to account for the behaviour of the honourable gentleman in the afternoon of the 27th of July, from that evidence I say, Sir, I find that I was mistaken. The trial has left my accuser without excuse, and he now cuts that sort of figure which, I trust in God! all accusers of innocence will ever exhibit.

I have observed, Sir, that the opinions of officers of different ranks have been taken. I trust that the Court will indulge me with the liberty, in the evidence for my defence. Some have refused to give their opinions. I thought it strange, as plain speaking, and a full declaration, are the best of evidences in a good cause.

I would wish, Sir, the Court to consider, that in all great naval, as well as military operations, unless the design be fully known, the several manœuvres may have a strange appearance. Masters have been called to give their opinions on the higher departments of command. Higher authorities should have been taken. Such authorities are not scarce, for I am happy to say there never was a country served by naval officers of more bravery, skill, and gallantry, than England can boast at present. As to this Court, I intreat you, Gentlemen, who compose it, to recollect, that you sit here as a Court of honour, as well as a Court of Justice, and I now stand before you, not merely to save my life, but for a purpose of infinitely greater moment—to clear my fame.

My accuser, Sir, has been not a little mistaken in his notions of the duty of a commander in chief, or he never would have accused me in the manner he has done. During action, subordinate officers either are, or they ought to be, too attentive to their own duty to observe the manœuvres of others. In general engagements, it is scarcely possible for the same objects to appear in the same point of view to the commanders of two different ships. The point of sight may be different. Clouds of smoke may obstruct the view. Hence will arise the difference in the opinions of officers, as to this or that manœuvre, without any intentional partiality. Whether I have conceived objects in exact correspondence with the truth; whether I

have viewed them unskilfully, (or, as my accuser has been pleased to term it, un-officerlike) these are matters which remain to be determined. I can only say, that what Sir Hugh Palliser has imputed to me as negligence, was the effect of deliberation and choice. I will add, that I was not confined in my powers when I sailed ; I had ample discretion to act as I thought proper for the defence of the kingdom. I manœuvred ; I fought ; I returned ; I did my best. If my abilities were not equal to the task, I have the consolation to think, that I did not solicit, nor did I bargain for the command. More than two years ago, in the month of November, 1776, I received a letter from the first lord of the marine department, wherein he observed, that, owing to motions of foreign Courts, it might be necessary to prepare a fleet of observation. My reply to this letter was : That I was ready to receive any command from his majesty, and I begged to have the honour of an audience. This request was complied with. I was closetted, and I told the king, I was willing to serve him as long as my health would permit. I heard no more till the month of March, 1778, at which time I had two or three audiences, and I told his majesty, that I had no acquaintance with his ministers, but I trusted to his protection and zeal for the public good. Here were no sinister views ; no paltry gratifications ; I had nothing, I felt nothing but an earnest desire to serve my country. I even accepted the command in chief with reluctance. I was apprehensive of not being supported at home. I foresaw that, the higher the command, the more liable was I to be ruined in my reputation. Even my misfortunes, if I had any, might be construed into crimes. During 40 years' service, I have not received any particular mark of favour from the crown. I have only been honoured with the confidence of my sovereign, in times of public danger. Neither my deficiencies, nor my misconduct, were ever before brought forward to the public. And it is now, somewhat strange, that, so well acquainted as my accuser must have been with my deficient abilities, it is strange I say, Sir, that he should be the very person who brought me the message to take the command upon me ! Nay, further, Sir, he brought me that message with great seeming pleasure ! There was, or there was not reason, at that time, to doubt my ability. If there was reason, how could my accuser wish me to accept a command, for which I was disqualified ? If there was not any reason to doubt my professional abilities 16 months ago, I have given no reason why they should since be called in question. When I returned from the expedition, I did not complain of any thing. I endeavoured to stop all murmurings. I even trusted the first lord of the Admiralty in the same manner as I would have

done my most intimate friend. This might be imprudent. It might be dangerous. But, Sir, I am by nature open and unguarded, and little did I expect that traps would be artfully laid to endeavour to catch me on the authority of my own words.

It was in the month of March, 1778, that I was told a fleet lay ready for me to command. When I reached Portsmouth, I saw six ships ready, and, on viewing even those, with a seaman's eye, I was not by any means pleased with their condition. Before I quitted Portsmouth, four or five more were ready, and I will do the persons in office the justice to say, that from that time they used their utmost diligence in getting the fleet ready for service.

On the 30th of June I sailed with twenty ships of the line, and very fortunately I fell in with the Belle Poule and other French frigates, and the letters and papers found on board them were of material service to the state. Captain Marshall distinguished himself with the greatest honour. I confess that when I fell in with those frigates I was at a loss how to act. On the one hand I conceived the incident to be favourable to my country; and on the other I was fearful that a war with France and all its consequences might be laid to my charge. For any thing I can tell this may be the case. It may be treasured up to furnish another matter for future accusation. To this hour I have neither received official approbation, nor censure for my conduct. With twenty ships of the line I sailed. Thirty two ships of the line lay in Brest Water, besides an incredible number of frigates. Was I to seek an engagement with a superior force? I never did, nor shall I ever fear to engage a force superior to the one I then commanded or that I may hereafter command. But I well know what men and ships can do, and, if the fleet I commanded had been destroyed, we must have left the French masters of the sea. To refit a fleet requires time. From the situation of affairs, naval stores are not very soon supplied. Never did I experience so deep a melancholy as when I found myself forced to turn my back on France! I quitted my station, and my courage was never put to so severe a trial.

I was permitted to sail a second time, without receiving official praise or blame for the part I had acted. These were discouraging circumstances. But they did not disturb my temper. My principal object was to get ready for sea with all possible haste. I was surprised on my return to be threatened with the fate of admiral Byng, and I was still more surprised to be charged with cowardice.

With thirty ships of the line I sailed early in July. The French admiral sailed from Brest with thirty two ships. I be-

lieve that, when the fleets came in sight of each other, the French were not a little surprised to see me so strong. I desire not to throw the slightest imputation on the courage of the French admiral. I believe him to be a brave man, and one who had some particular reasons for the line of conduct he pursued. I was determined, if possible, to bring the French to battle, as I had every reason to think that their having avoided an engagement, when it was for four days in their power to attack me, was owing to their expecting some capital reinforcements. I therefore thought that the sooner I could engage them the better ; especially as I knew that the principal fleets of our trade were daily expected in the channel, and, if the French fleets had been permitted to disperse without an action, our East and West India fleets might have been intercepted, the convoys might have been cut off, and the stake of England might have been lost. I beg leave to mention, that in the reign of King William, the gallant Admiral Russel was two months in sight of a French fleet, and he could not possibly bring them to action. My being in sight of the French fleet four days before the engagement, will not therefore appear quite so extraordinary as it has been represented. Had it not been for the favourable change of wind on the morning of the 27th of July, I could not have brought the French to action when I did.

I am exceedingly sorry, Sir, that the Admiralty have refused me the liberty of producing my instructions. In all former Courts-martial, the instructions and orders have been sent with the charge to the members of the Court. As it has been denied in this instance, I must and do submit.

Although on the 27th of July I fought and beat my enemy, and compelled him to take shelter by returning into port, yet the effort did by no means answer my wishes. I rushed on to re-attack the enemy. Why I did not accomplish my design will be seen in the evidence I shall produce. I might, it is true, have chased the three ships which were visible on the morning of the 28th of July, but with very little prospect of success. I therefore chose to return to Plymouth with my shattered fleet, to get ready for sea again, not, however, forgetting to leave two ships of the line to cruise for the protection of our trading fleets, which, thank God ! all arrived safe.

On my return, Sir, I most cautiously avoided to utter a syllable of complaint, because it might have suspended our naval operations, which at that time would have been highly dangerous. I could not think of attending to a Court-martial, when greater objects were in view.

With respect to the second edition of the Formidable's log-book, it appears to have been fabricated rather for the purpose of exculpating the prosecutor, than to criminate me. I shall

therefore pass it over, and permit the Gentleman to make the most of such an exculpation. I cannot, however, be so civil to the alterations and additions in the log-book of the Robuste. Captain Hood's conduct must have struck the Court, as I believe it did every person, except the prosecutor, with astonishment.

A great stress, Sir, has been laid on my letter to the Admiralty. There is a passage in it where I seemed to approve the conduct of every officer in the fleet. The Court will observe, that I was not in my letter to inform all Europe, that a vice-admiral under my command had been guilty of neglect, whilst there remained a possibility of excuse for his conduct. As to Courts-Martial, one very bad consequence will, I am sure, result from this trial : it will terrify a commander in chief from accepting a commission, if he should be liable to be brought to trial by every subordinate officer.

As I have touched on my letters, I will just observe, Sir, that the most disagreeable task that I ever experienced, was that of writing my letter of the 30th of July. However, if I writ ill, I am confident that I fought well, and the desertion of the trade of France was evident from the number of rich captures which are made : a number far exceeding any thing ever known in so short a period ! his majesty noticed this in a speech from the throne.

#### MONDAY, February 1.

The first witness called by Admiral Keppel was *Sir Robert Harland*, vice-admiral of the red, whose evidence went to shew, that the French fleet, for three days, successively, had it in their option to give ours battle ; but constantly declined it, their intention not being to engage, unless they should be forced to it ; —that their manœuvre early on the morning of the 27th indicated an equal disposition for declining an engagement ; until after a squall, which had frequently obscured them from the British fleet, they tacked unexpectedly, and began firing upon our ships. The admiral had been pursuing them all the time that they stood in sight with as great a press of sail as he could carry, consistently with his attention to the worst sailing ships in the fleet ; and did every thing in his power to come up with them.

He declared the admiral could not have kept so near the enemy as he did, if he had pursued them in a line of battle ; and had the signal for it been made on the morning of the 28th, there would have been little probability of an engagement that day, unless the enemy had thought proper to come to us.

The admiral desired to know of Sir Robert Harland as a flag officer, ‘ If a signal for chace had been made by a commander-in-chief to ships of his division to chace to the windward, and that commander being engaged with his ship at a great distance, whether he would not think himself warranted to call in those ships upon any momentary occasion which he might see of employing them for the general service ? ’—To which Sir Robert replied, ‘ That he should always have been happy in assisting the admiral, or

rendering service to the fleet, whilst he had any command in it ; and under the circumstances described he would have thought himself warranted to do so.'

With respect to the enemy's regularity, he said, that in passing their line he perceived their van was not well connected with their centre, nor their centre with their rear ; he saw six ships in particular out of their station, but they were, however, in a close well connected body.

When he saw the Formidable coming out of the cannonade he did not perceive any imminent danger of her being cut off. Sir Robert had then seven ships at most of his division with him, and, if the signal for re-attacking the enemy had been made, the admiral certainly had not ships enough to support him. The French did not appear to be then in any confusion, but were forming in a well-regulated line, which it was no more in the admiral's power to prevent, than it was in his power to collect his ships together for that purpose. Had the signal alluded to been then made, the consequence would have been—' That he would have obeyed it ; and if the French did not take him, and his whole division, they would have deserved to have been hanged.'

During the whole of the afternoon the admiral was doing his endeavours to get his line formed, and after the fleet wore to the southward the witness received orders by the Proserpine frigate for his division to take the station of the blue division in the admiral's wake, which he was going to do at the same time at his own risque ; judging it absolutely necessary to put himself in that situation, as he saw the commander-in-chief then unsupported, and within the power of the whole French force astern of him ; but, if the vice-admiral of the blue had come into his station whilst he was occupying it, he would have quitted the rear and returned to the van without orders, it being plain that no orders could be sent him for that purpose ; but he would much rather have had orders to do so.

It was after five o'clock when he was ordered back into his own station. The signal for the line was flying on board the admiral during the whole afternoon, except for ten minutes, when it was hauled down to make another signal more discernible. Before the night came on the admiral had not, at any one time, the means of re-attacking ; and, if his line had been formed, he made no doubt of his intention to engage the enemy again.

Being asked if the relative situation of the two fleets when sailing in parallel directions to the southward, and the British fleet ahead, gave any appearance of our flying from the enemy ?—he answered—' O fy ! No !'

During the afternoon the Victory carried but an easy sail, and the sail kept his division in their station during the night. He carried his distinguishing lights all the night in the Queen, as he always did ; and he could see the admiral's distinguishing lights very clearly upon his bowsprit end.

The French fleet, he said, made their escape in the night ; and early in the morning the body of them was just visible, at intervals, from his mast head, steering to the south-east ; but, con-

ditioned as our fleet was, he thought there was little probability of our coming up with them if pursuit had been made.

The admiral then desired he would acquaint the court with any instance of negligence in the commander-in-chief, which came under his observation ; but Sir Robert said, that was impossible, ‘as he knew of none.’ Sir Hugh Palliser then declaring that he had no questions to put to the vice-admiral, he withdrew.

*Mr. Moore*, purser of the Victory, having been appointed by the admiral to minute the signals, was next examined ; and his evidence was given in a very clear and distinct manner. The substance of it was, that the French fleet, by his observations, did not appear to be very regular in their line, on the morning of the action, or as our fleet passed along their fire. That after the Victory passed them she wore immediately, and stood back to the enemy. That when some of the French fleet stood towards ours, after that time they pointed to our disabled ships only ; and he mentioned an expression made to him at the time by Admiral Keppel, who said, ‘he believed the French meant to affront him, by making an attack upon that part of the fleet which remained to leeward.’ He declared that at five o’clock the vice-admiral of the red was ordered out of the station of the vice-admiral of the blue, and the orders were obeyed ; that there remained no ship astern of the Victory except the *Foudroyant* ; that the general signal for the blue division was then flying, notwithstanding which the vice-admiral of the blue, instead of obeying it, kept his wind, which operated to a contrary movement, although the witness had heard the admiral send verbal orders by Captain Windsor, ‘that he should bear down, for the admiral only waited for him and his division to renew the action.’

At seven o’clock the particular signal of each ship that was with the vice-admiral, except that of his own ship, was thrown out on board the Victory, and the signal for the line was not hauled down even when night came on. The *Formidable*’s distance from the Victory was about three miles ; he saw her repeat the signal for ships to come into the admiral’s wake, but when she passed the Victory, or at the other time that afternoon, he never saw her repeat the signal for the line.

When the three French ships appeared in the morning, signals were made on board the Victory, for the *Elizabeth*, *Prince George*, *Duke*, and *Bienfaisant*, to chace, but the *Elizabeth* informed the admiral, that she could not carry sail ; and it was visible the *Prince George* could not make sail as a ship in chace should.

Sir Hugh Palliser only asked this witness, ‘Whether he undertook to swear positively, that the *Formidable* did not repeat the signal for the line of battle ?---or, that she had not the signal flying when she passed the Victory ?’ He answered, that ‘he could only swear he did not see it.’

*Mr. Rogers*, Admiral Keppel’s secretary, was then called, who confirmed the evidence of the former witness, and particularly observed, that it was but five o’clock when the *Fox* was dispatched to the *Formidable* with the admiral’s message ; and that Cap-

tain Windsor approached so near to her, as to have his sails becalmed.

He also declared, that, in penning the letter upon that affair, the admiral and himself had much trouble in wording it so as to relate facts, without conveying any censure upon Sir Hugh Palliser; a man whom the admiral considered as his friend, and of whose courage he had no doubt.

On his cross-examination it appeared, that he had made no note of the time when Captain Windsor delivered the message, but he said it was so immediately that he did not think it necessary to note it; he allowed, however, that it was usual to note when any ships were spoke to.

WEDNESDAY, February 3d.

*Sir John Lindsey* proved, that early on the morning of the engagement, the enemy shewed no greater disposition to engage than before; and, if the admiral had formed the line instead of making the signals for chace, the enemy might have escaped; and there would not have been a shot exchanged that day.

The signals for chace was rather calculated to make the chacing ships close with the centre, than to scatter the fleet; and, if they had not been made it was probable no part of the blue division could have got into the action.

The attack upon the enemy was very sudden and unexpected; he had but just time to cut his long boat from his side when the firing began; and for the admiral to have attempted forming a line at that critical moment would have been attended with very fatal consequences. So that there was no alternative, the admiral must have fought without a line of battle, or not have come to action. It was a fight very animating; it was bold, daring, and perfectly consistent with the character of a British seaman, to assert his superiority over an enemy he was accustomed to beat, and the effect justified the measure; it threw the enemy into such confusion to see the two admirals engaged (which would not have happened had they been in their stations in the line of battle) that the witness had an opportunity of firing upon three at once of the enemy's ships that were abreast of one another.

Upon the charge against the admiral of standing from the enemy, when they offered him battle, *Sir John Lindsey* said, after the enemy had drawn out their line, they pointed their whole force against the centre, but *Sir Robert Harland* threw his division between them and the admiral, which obliged them to change their object, and point to our disabled ships. To assist those the admiral changed his tack, and made such sail as was necessary to cover them, yet sufficiently easy, in his opinion, to admit of ships out of their stations to get into them; but there was nothing in those manœuvres which, in his mind, could carry an indication or appearance of flight.

With regard to the propriety of pursuing the French on the 28th, there was very little probability of our being able to come up with them in the crippled condition of our fleet, and that there would have been some danger in attempting a lee-shore; and concluded his evidence with a declaration, that he had seen no in-

stance of neglect in the admiral, ‘because, he said, he had fulfilled his duty in every particular. He had the honour of serving under the admiral last war, and had such strong proofs of his bravery, ability, and knowledge in the profession, as pointed him out to him as one of the greatest sea officers his country ever produced ; and the whole of his conduct on his late command had further convinced him that his former opinion was just.’

Sir Hugh Palliser cross-examined Sir John Lindsey, who, admitted, that, if the ships which had been ordered to chace before the engagement had not been separated from the vice-admiral they would have been better able to support one another, and would have received less damage in action had they been able to get into it ; but several of them were so far to leeward that they could not have had the advantage of the change of wind to get into action.

He was asked if he thought the admiral intended to renew the engagement at seven or eight o'clock in the evening, and risk a night battle, especially with the ships that came out of action last, which were much disabled, in preference to those ships that were not so much damaged. He answered, when I got into my station I think he did ; I cannot speak to seven or eight o'clock. I should suppose he would not at that time.

#### THURSDAY, February 4.

*Captain La Forey*, of the Ocean proved, that the French for three days before the action, studiously avoided an engagement, whilst the English admiral did every thing in his power to bring it on ; and yet that the situation of the enemy's fleet with respect to wind, weather, &c. was such, during the whole time, that, had it been under the command of the witness, he should not have thought himself justified in not bearing down upon the other fleet at any period of those three days. The Ocean, he said, engaged next to the Formidable, and was but a little way from her when the firing ceased ; but he saw no particular danger she was in of being cut off by the enemy. They passed her upon a different tack ; none of them stopped to engage her ; nor did he see any of them return towards her.

He saw no efforts made by the vice-admiral of the blue to obey the signal for bearing down ; and he was of opinion that, if he had obeyed it about five or six o'clock, there would have been day-light enough for us to have renewed the action ; and he saw no other impediment to our having done so.

If the French fleet had been disposed to attack us that afternoon they had it amply in their power ; and, if the admiral had given chace next morning towards Ushant, there was not the least probability of coming up with the enemy.

He knew of no neglect in the commander-in-chief ; he was convinced at that time he had left no means untried to bring on, continue, or renew the action ; and he had remained invariably ever since in the same sentiments.

Upon his cross-examination he said, that he engaged between the Formidable and the Egmont ; he was twice in danger of being aboard of them, and had much to do to keep his fire clear of them,

particularly of the Egmont ; so much indeed, that he was obliged to back some of his sails to avoid exposing her to his fire.

He remembered that Sir Hugh Palliser had backed his mizen-top sail, to let the Ocean shoot ahead of him, going into action ; and also it remained so in the engagement ; but he could not say that the motive for his doing so was to let the ship astern of him come up. In fact, he attributed it to an act of gallantry in Sir Hugh Palliser, in the desire to give the French as much of his fire as he could, in passing them.

The vice-admiral then desiring to know from Captain La Forey how many ships of the blue division remained with their flag, when seven ships, as had been proved by the Purser of the Victory, had been ordered to make chace, on the morning of the engagement. Admiral Keppel objected to the prosecutor's right of questioning the witness, upon a cross-examination, touching any matters, on which he had not been before examined.

The court deliberated upon this subject, and determined that the question ought not to be put,

The witness afterwards proved, that his ship was fit to renew the action immediately after she wore, had the signal for engaging been kept flying ; for, except some injuries received in the rigging, &c. he had hardly been warmed ; two frigates along side of one another so long would have done each other more damage than the Ocean had received in the action.

*The Hon. Captain Walsingham*, of the Thunderer, was examined exactly to the same points, and gave substantially the same evidence : but he more particularly and pointedly laid our not renewing the battle to the charge of the vice-admiral. When he was asked, if the manœuvres of our fleet, after the action, had the appearance of a flight ? He expressed his indignation at the question, and his abhorrence at the idea ; and, so far from observing any neglect in the admiral, he declared that he had always been taught to look up to him as an officer of the greatest courage and good conduct ; yet, prejudiced as he was in his favour, the admiral's behaviour in the late action, in which the witness had the honour of serving under him, surpassed even his most sanguine expectations.

#### FRIDAY, February 5.

*Captain Walsingham*, on his cross-examination, said, that the division of the red did not quit the station belonging to that of the blue, after the action, till five o'clock in the afternoon ; and, when his ship had come out of the fire, he got into the stern gallery, from whence he took particular observations of Sir Hugh Palliser's ship, which then remained in action, and he felt the greatest satisfaction at the manner in which he saw her engage ; it was such as did infinite honour to her officers and men.

*Captain M'Bride*, of the Bienfaisent, was called next ; and, as a further proof that the French had no intention of fighting, if they could avoid it, he proved he went on board the Victory on the 24th in a small open cutter, to acquaint the admiral that he observed three of the enemy's ships which were crippled, and three leagues behind the body of the fleet ; that there were two more of

their ships still further behind them, and that he made no doubt, but, by making sail, we should be able to cut off the two hindmost, or bring the enemy to action, if they meant to support them ; in consequence he received orders with Captain Maitland to make sail and attack those two ships, and not to return without a particular signal, though the signal for the line should be made. Soon after the admiral ordered a general chase, and it was very clear that if the French meant to engage us, they would have done it then, sooner than suffer us to separate two of their capital ships from them. The weather could be no impediment to their engaging, as they certainly could fight their lower deck guns, if he was able to sail in an open boat.

Being asked if he had commanded the French fleet at that time, would he have hesitated to engage the enemy under similar circumstances ? He answered, that if he had hesitated to do so, he deserved never to set his foot in this country again. The operations of our fleet, which were charged to have had the appearance of flight, struck him then as the well-timed manœuvres of a judicious officer ; and the only means that could be adopted at the time to collect the fleet, which were in the greatest confusion from the damages they had received in their sails and rigging, and to protect the disabled ships from the attack then meditating upon them by the enemy : and, even as we were at that time, the French had it so much in their power to attack us with advantage, that, had our fleet been situated and conditioned as theirs was, and theirs as our fleet was, if we had not demolished them we ought to have been sent on board the *Justitia* ballast lighter.

He attributed the admiral's not renewing the action to no other cause but the vice-admiral's not bearing down with his division : which if he had done, even so late as six o'clock in the evening, he thought there would still have been day-light enough to have it determined before night, whether the enemy would wish to fight or run away.

He perceived no lights or signals in the French fleet on the night of the 27th till between ten and eleven o'clock, when a rocket was thrown up in the rear ; after which every half hour, or oftener, a light was shewn, and a flash like that of a musket, from three ships that were left at certain distances to represent the French fleet.

His signal, and the signal of the other three ships, were made at day-light to chace the ships. What effect could be expected from the chace he could not possibly say, as he was called in again before he had got steady enough under his sail to be able to form any judgment on that point ; he presumed, however, that the admiral's motive for calling him in so suddenly was from finding there were no ships to back him, and that therefore he must have been left with the whole three ; and, as to a general chace of the whole fleet, he saw little probability of coming up with the body of the enemy's fleet, even if none of our ships had been crippled, as the enemy had got so far the start of us, and we being within twenty-one leagues off Ushant, half of our ships having foul bottoms, and the enemy's ships, he believed, much cleaner.

Throughout the whole of the admiral's conduct he saw no instance, he said, of neglect ; on the contrary, it appeared to him that he realised on those days the favourable opinion which his country had formed of him.

*Captain Jervis*, of the *Foudroyant*, was examined to each of the different objects of the charge, and expressed his approbation of the admiral's conduct in every particular. When the admiral, at the conclusion of his examination, desired he would point out any instance of neglect he had been able to perceive in the commander-in-chief, at any time, upon that occasion ; from an obvious point of delicacy, he requested that the question should be put to him by the court ; and then delivered his answer in these words :—

' I think myself bound by the oath I have taken to answer that question. I believe it is consonant with the practice of marine courts-martial ; I cannot boast of a long acquaintance with Admiral Keppel, I never had the honour to serve under him before, but am happy in this opportunity to declare to the court, and to all the world, that, during the whole time the English fleet was in sight of the French fleet, he displayed the greatest naval skill and ability ; and the boldest enterprize, on the 27th of July, which, with the promptitude and obedience of Vice-admiral Sir Robert Harland, will be subjects for my admiration and imitation as long as I live.'

#### SATURDAY, February 6.

On the cross-examination of Captain Jervis, respecting the evidence he had given, that the French constantly avoided an action before the favourable shift of wind for us on the 27th of July ; he admitted that they had made a manœuvre that morning, before the wind shifted, which necessarily gave our fleet an opportunity of coming nearer to them.

Having mentioned in the detail of his evidence, that, after the action the French fleet were actually facing us, when our fleet turned the other way, Sir Hugh Palliser desired to know, Did Captain Jervis ever before hear or know of a British fleet turning their stern on an enemy of equal or inferior force, immediately after an engagement, whilst that enemy was standing towards them, and offering them battle ? The witness denied the fact in all its positions : but Sir Hugh desiring to know whether he had not said, in his evidence, that, whilst the English fleet was standing to the southward, the French fleet might have fetched them, and whether in that case our sterns must not have been towards them ? The captain refused to give a direct answer, saying, that he had explained it the day before, in answer to Admiral Keppel's question, and he would give no further answer to it, unless ordered to do so by the court ; Sir Hugh Palliser said, he would not insist upon any answer but what was consistent with Captain Jervis's inclination to give.

Having before declared that the admiral's object for standing so to the southward was to cover five ships of our fleet, which were disabled, Sir Hugh Palliser laid a stress on that, to prove that his division had been materially injured by the unsupported manner in which they were forced to engage, and asked, if three or four out

of those five disabled ships were not of his division? When the witness replied, that he did not know so at the time, but he understood so since, and believed they were part of Sir Hugh's division.

He allowed that the *Formidable* had received great damage; but not more, he said, than his own ship had received; but acknowledged he had not lost near so many men.

Having before stated that it would have been improper or dangerous to have ordered Sir Robert Harland's division to double upon the enemy, whilst the admiral advanced himself with the rest of the fleet to renew the attack immediately after passing the enemy's line, as the admiral had not been able so soon to collect the ships, and form a line to support him;—Sir Hugh desired to know, why it should be thought more necessary for the fleet to be in the line of battle at that particular time, than at the time the action began, when it was contended to be proper to engage without that regularity? To this Captain Jervis refused to give a direct answer. The charge, he said, only stated that the admiral did not collect his force, and return to the action; he would therefore give no other answer, than that the admiral made the most proper signal to collect the ships for that purpose; and Sir Hugh declined pressing the question any further.

#### MONDAY, February 8.

The admiral called the Hon. Lieutenant *Lumley*, of the *Robuste*, to ascertain the alteration made in that ship's log-book. The judge-advocate took the original book, and the witness the other, and compared them; many alterations were apparently made, but the most material was in the book delivered in by the master of the *Robuste*: it says, at six o'clock bore down into our station in the line, which we kept all night as well as a disabled ship could do, the admiral making much sail. The book of Lieutenant *Lumley*, and which he swore was an exact copy of the original before the new leaf was put in, says, at six o'clock tacked and bore down into our station in the line, and no mention was made of carrying much sail. Another material alteration was, the original book mentioned, that on the morning of the 27th the admiral made a signal for the blue squadron to chace; whereas the alteration made it for six or seven ships only, upon which Sir Hugh Palliser grounds one of his articles, that he was left to go into action with only three or four ships.

*Mr. Arnold*, master of the ship, was also called, to prove that the alterations were made by the captain's order; and, upon his cross-examination he acquainted the court, that when they were made Captain Hood made this observation,—that he only wished the log-book to be correct; and that, turning to him, and the first lieutenant, he said, he supposed they could attest this; when the witness answered he could,—meaning, he said, only such part of them as fell within his observation; but not having been upon deck during the night after the engagement, he did not venture to attest that part of it which related to the sail made by the admiral.

The admiral then addressed the court, and made a few observations on the alterations: ‘*Mr. Hood*, in justification of his con-

duct in making those alterations says, that he made them in his own protection, not knowing but he might have been brought to this bar a prisoner instead of an evidence. I cannot see how Captain Hood can reconcile the alterations he has made to this pretext. How, sir, could the signal for chacing in the morning benefit him, if made for several ships of the division, rather than for all the division? How much less that the three ships, in the morning of the 28th were near rather than far distant? He could not possibly be affected by the escape of three ships, nor could any guilt arise in him from their being chased or not chased. These are points, however, contained in my accuser's charge, but, as they do not affect me I will not insist upon them. But the one which remains behind tending directly to affect my life, and, what ought to be dearer to every British seaman, my honour; I must beg leave to take notice of it; more particularly as it cannot tend, in the smallest degree to have exculpated him, had he, as he says, been brought to your bar. Had the Robuste fallen astern, indeed, there might have been some advantage in asserting that the admiral made much sail. But, instead of his being found out of his station astern, it has come out in proof, that in the space of a short night he stretched a head of his station several miles. It is, therefore, too evident that the alteration was made to support the charge of my accusers. Their intimacy, their connexion, tends to corroborate this suspicion. I feel most sensibly for Captain Hood in this case; that the man with whom I lived in familiarity and friendship, and of whose bravery and merit as an officer I am well convinced, should have been seduced by any party or persuasion to have deviated so far from that honourable line of conduct which British seamen ought to pursue, hurts me more than that aimed at me. And I hope it will be believed after this that I have not investigated the point for the sake of myself so much as for the security of the service.

### THURSDAY, February 11.

The proceedings of the court-martial concluded this day, by honourably acquitting Admiral Keppel: the court unanimously deciding that the charge exhibited against him was malicious and ill founded; it having appeared that the said admiral, so far from having by misconduct and neglect of duty on the days alluded to, lost an opportunity of rendering an essential service to the state, and thereby tarnishing the honour of the British navy, behaved himself as became a judicious, brave, and experienced officer.

The court do therefore unanimously and honourably acquit the said Admiral Augustus Keppel of the several articles contained in the charge exhibited against him; and he is hereby fully and honourably acquitted accordingly.

The president then addressed himself to the admiral in the following words, delivering to him his sword at the same time :—

“ ADMIRAL KEPPEL,

“ It is no small pleasure to me to receive the commands of the court I have the honour to preside at, that in delivering to you your sword, I am to congratulate you on its being restored to you with so much honour, hoping ere long you will be called forth by your sovereign to shew it once more in the defence of your country.”

The concourse of people that surrounded the court was immense. As soon as the sentence was pronounced an acclamation of joy burst forth in repeated peals, which was immediately communicated to the crowd without, and soon became general through the town, and the whole nation by general illuminations, &c.

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### COURT-MARTIAL ON SIR HUGH PALLISER, VICE-ADMIRAL OF THE BLUE, AT PORTSMOUTH, 1779.

MONDAY, April 12th, at nine o’clock a signal was made in the Sandwich for the court-martial.

Vice-admiral Sir Hugh Palliser soon came on board attended by Captain Bazeley, and several other officers. The court soon after began to sit, when Mr. Jackson, the judge-advocate, read the commission from the board of Admiralty for trying the prisoner, which sets forth :

‘ That as there appeared several circumstances, in the minutes of the trial of Admiral Keppel, of a criminating nature against Vice-admiral Sir Hugh Palliser, which required a very serious investigation, they direct the court-martial to inquire into those circumstances. Signed,

‘ SANDWICH, LISBURNE,  
‘ J. BULLER, MULGRAVE.’

The names of the witnesses summoned for the crown, as well as in behalf of the prisoner, were called over by the judge-advocate; when Sir John Lindsey was excused attending on account of his ill state of health. After this Admiral Keppel was called upon as the first evidence, when he addressed himself to the court as follows :—

MR. PRESIDENT,

Before I take the oath may I beg to be allowed to say a word or two. I stand in a very painful situation, and the evidence that is to be given, I hope, will never go into the world, as carrying rancour of revenge from me against the gentleman you are about to try ;—the evidence which I shall give shall be to the best of my recollection ;—I cannot say to the questions that will be asked me, only yes or no, as a witness ought to do ; they are so intermixed with the business of the day, they will carry my thoughts of that business along with it ; and under these circumstances I wish not to be examined at all.

The court was cleared. On the admission of the evidence the President thus expressed himself :—“ the court is of opinion, that it is not in their power to excuse Admiral Keppel, but will be glad to give him as little trouble as possible.”

Admiral *Keppel*. I am under the direction of the court. He was then sworn.

The judge-advocate then proposed his questions from papers in his hands ; and from Adm. Keppel's replies the following information arose : that the blue division consisted of ten ships when the enemy was first in sight ; that Admiral Campbell, as first captain, had general directions to call in and bring up, at all times, those ships which were at improper distances ; that accordingly in the morning of the 27th of July, Admiral Campbell ordered six or seven of the vice-admiral of the blue's division, which were under too easy a sail, to chace to windward ; on which the Formidable as well as the other ships, did all in their power to come into action, and the vice-admiral, during the engagement, did his duty as a flag officer.

TUESDAY, April 13.

At ten o'clock the court met again, and Admiral Keppel's examination was continued.

When you came out of action, having passed the rear of the French did you make any signals ?—After I passed the rear of the fleet, my first duty, as commander, was to look where the ships were ; as soon as I could perceive the fleet for smoke, I saw the vice-admiral of the red trying to weather me ; his conduct warmed me, he was acting like a man ; the other ships looked to me as if they had received damage ; but, no masts or yards being down, it naturally occurred to me to make the signal for wearing ; that wearing was to lay their heads to the enemy : the Victory was not in a condition to do so immediately ; but did soon after ; and then I made the signal for the line of battle ahead---the court will think that I cannot be particular as to the moment of signals. At that time the ships of the vice-admiral of the blue passed me, the Formidable passing last, although their station was ahead on that tack ; their reason, no doubt, was that their rigging was hurt. When I wore to the enemy, I thought it would be a proud day for

England ; but I blame nobody. The red division wanted the least, the centre, more, and the rear division most time to repair, in proportion to the times they came out of action. I therefore made the signal to wear again, and all those wore in the space of thirty or forty minutes. I beg to refer the court to those officers that took minutes.

Q. Did it appear to you that the vice-admiral of the blue, in the Formidable, was not in condition and ability to obey the signals ?---Undoubtedly it did not. I saw no greater disability in the Formidable than there was in the Victory ; less indeed, for the Victory was obliged to unbend her main top-sail. I saw no disability whatever in the Formidable at that time.

Q. Did the Formidable bear down in obedience to those orders ?---Never.

Q. Was the Formidable's situation such as to be able to see those signals either from the Victory or Arethusa ?---Most undoubtedly ; she could not fail seeing them.

WEDNESDAY, April 14.

Admiral *Keppel's* examination continued.

Q. Do you know of any circumstance in the conduct of Sir Hugh Palliser on the 27th or 28th of July, other than what you have already stated to the court, which you think criminal, and which the court in your opinion, ought to be acquainted with ?---To speak in general terms, the conduct of Sir Hugh Palliser, I have said, in going along the French line, has had my praise. He acted as well as any that either went before or after him. He had my full praise ; and that praise which I gave him to the Admiralty has been made use of in the world against me. After the action I have spoken to his conduct, but I declare I cannot say positively what parts I have spoken to, and what have been omitted. In general I must say that I protest I cannot charge my memory that Sir Hugh Palliser obeyed any one signal or order that I issued. If the prisoner in his questions should press any point wherein he did his duty, and should by that means refresh my memory, I am sure I should be most ready to do him every justice, and give him every praise consistent with strict truth. After it was dark I saw nothing, and knew nothing of the vice-admiral of the blue. Therefore neither at that time nor on the 28th of July, can I say any thing of his conduct from my own knowledge.

Admiral *Campbell*, the next evidence, being sworn, the court proceeded.

Q. Did it appear to you that during the action he behaved becoming an officer of his rank and station in the fleet ?---I believe he did every thing he ought to do when in action.

Being asked as to the signals made after the action, and what obedience the Formidable shewed to them ; he affirmed that the Formidable neither repeated nor obeyed the signal for the line of battle during the whole day.

Q. What other means were made use of to convey orders to the vice-admiral ?---The Fox was sent with directions for him and the

ships of his division instantly to bear down into his wake, as the admiral only waited for him and the ships of his division to renew the action.

Q. At what time did it appear to you that the Fox reached the Formidable?---I hailed the Fox about five o'clock or near that time, I suppose she joined the Formidable in about half an hour.

Q. Did the Formidable obey the orders sent by the Fox?---I have already said, and again say, she did not the whole afternoon bear down, or make any attempt towards obeying the signal.

Q. Did Sir Hugh Palliser, by signal or otherwise, inform the admiral of his incapacity of obeying the signals?---No, he did not.

Q. Did you yourself see any disability in the Formidable, or did the Fox return with any answer to the admiral?---No, I saw no disability in the Formidable; the admiral and I had much conversation about the cause of his not obeying the signal. It struck me that the vice-admiral was certainly wounded; but I could not conceive it to be owing to the disability of the Formidable, because if it had I should have believed he would either have informed the admiral, or have shifted his flag on board some other ship of his division. The Fox did not return to us any more that afternoon.

Q. Did it appear to you that the disobedience of the vice-admiral of the blue to the signals and orders of the admiral was the cause that prevented the engagement from being renewed?---Had the fleet been collected I am persuaded that the engagement would have been renewed, and I am sensible that if the vice-admiral of the blue had led his division down in obedience to the signals and orders, and been connected, as the other part of the fleet were, the admiral would have renewed the action, or have attempted to do so.

Q. Did Admiral Keppel express much uneasiness and disappointment to you on the vice-admiral's not coming down, and what were his expressions?---He expressed much uneasiness, disappointment, and displeasure; but the conversation was much too complex for me to remember; but I recollect he once said, on the quarter-deck, with more warmth than is usual to him, that he could not have believed he should have been so ill obeyed.

Hon. Captain *Boyle Walsingham*, called.

Q. Did it appear to you that the vice-admiral of the blue did all that he could to bring his division into action?---I paid very little attention to the Formidable till she came into action.

Q. Did the vice-admiral behave as became an officer of his rank in the action?---He did, in coming in with spirit, and keeping up a regular fire.

Q. At what time did you first see the signal for the line, and how long did it fly?---It was hoisted about two o'clock, and I may say it was flying the whole afternoon. It was so at night.

Q. Was the signal for the line repeated, and by whom?---It was repeated by the Arethusa.

Q. Was the signal repeated by the two vice-admirals?---To the best of my recollection, it was repeated by the vice-admiral of the red, but it was not repeated by the vice-admiral of the blue;

Q. Were any more signals made on board the Victory till dark, and were they repeated, and by whom?---The signal for ships to windward to come into his wake, it was repeated by the vice-admiral of the blue.

Q. Did the vice-admiral of the blue come into his station in consequence of these signals?—No.

Q. Did you see any impediment to his doing it?—I saw none.

Q. Did you see the Formidable's foretop sail unbent?---Yes, for some hours.

Q. Did the vice-admiral of the blue make any visible efforts to come into his station, by making sail, or otherwise?---None, that I saw; I cannot recollect what sail he had set.

Q. From the position of the fleet between five and seven o'clock, do you think it was the admiral's intention to renew the attack in the afternoon?---That was my firm opinion.

Q. What do you think were the admiral's reasons for not reattacking the enemy?---Because he was not supported by the vice-admiral of the blue.

Q. Did the vice-admiral of the blue make any signals of distress in the afternoon?---None that I saw.

Q. Do you know of any other reprehensible circumstance in the conduct of Sir Hugh Palliser?---I know of nothing else but his disobedience of signals.

MONDAY, April 19.

*Hon. Captain Windsor*, late captain of the Fox, sworn.

Q. Did you receive any orders from Admiral Keppel in the course of the afternoon of the 27th of July, and at what time?—Yes, I did, nearly about five o'clock.

Q. What were they?—To stand to the Formidable with orders from Admiral Keppel to Sir Hugh Palliser, to acquaint him that he only waited for him and his division to come into his wake to renew the action.

Q. Did you commit them to writing?—No,

Q. From whom did you receive them?—From Admiral Keppel.

Q. Did you go on board to receive orders, or was it by hailing?—By hailing.

Q. At what time did you deliver them on board the Formidable?—At half past five nearly.

Q. Did you receive any answer?—I received an answer from Sir Hugh Palliser, that he understood me perfectly well.

Q. Was the Fox to leeward or windward when you received the answer?—To leeward.

Q. What was the distance of the Fox from the Formidable at that time?—So close as to becalm my sails by her.

Q. Was there any noise so as to prevent their hearing the orders given?—None on board the Fox. After I delivered the message the Formidable's company cheered the Fox, which, after I had got to a sufficient distance I made our people return.

Q. Was the answer given before you received the cheer?—It was.

Q. Was the cheering so immediately upon the delivery of the message as to prevent any part of it being heard?---Certainly not.

Q. Was any person in the stern gallery with the vice-admiral of the blue when you delivered the message?—Not that I know of.

Q. Was your message distinctly heard on board the *Formidable*?—Certainly, or I could not have received so distinct an answer.

WEDNESDAY, April 28.

Sir Hugh Palliser delivered his defence in substance as follows:—

"I will speak a few words with respect to the action. I went into it with great disadvantage, and, whatever was the real intention of the signal made to chace, it operated quite contrary. The centre and van divisions went into action, and were supported by each other, whilst I had only two ships to go into action with me, and the nearest of them at half a mile distance; before I began firing I backed my mizen-topsail, and both received and gave more fire in consequence of it, and hauled my wind to close with the two sternmost ships of the enemy, who had avoided a great part of the action. I apprehend that I engaged far more ships than fell to my share, whilst Admiral Keppel, even by his own log-book, fell in with only six or seven. I mention this, only to account for the damages my ship received more than any other."

I imagined the admiral would have renewed the action immediately after passing the rear of the enemy, and was therefore willing to take the lead, and ordered the ship to be wore directly, and by temporary ropes, and other expedients we wore immediately, which was plainly seen by Captain Marshall, Sir William Burnaby, and Captain Robinson.

Some time after the wearing I perceived the signal for battle hauled down on board the admiral, likewise on board Sir Robert Harland's division; I then thought the admiral had given it over, and, finding three French ships point towards me, I saw no reason to continue in the situation I was, unsupported and liable to be cut off, therefore wore to meet and join the body of the fleet; and never did I see the signal for the line until abreast of the *Victory*, which will appear the less extraordinary when Sir Robert Harland himself never saw it, while on the larboard tack, neither did Captain La Forey while the *Victory* was on that tack.

Had the signal for ships being seen out of their station been made, in all probability I must have seen it, as it would have been at the maintop-mast head, and which would, in my opinion, have been a proper signal.

Had I not wore again as I did, the three French ships would most undoubtedly have separated me; and surely I stand exonerated in that, when Admiral Keppel says he should not have deserved the name of an officer had he led on to battle again, without his fleet being formed, when he plainly saw that of his enemy was; if the *Victory* was in a dangerous situation while on the larboard tack with some ships with her, how much more so must I have been, unsupported and alone; but Admiral Keppel blames me for it, and Admiral Campbell, ever willing to find fault with me, disapproves of my conduct, and approves of that of all others; how to account for this strange partiality I am at a loss.

The Formidable passed the Victory a little before three o'clock, and the signal for wearing and the line was then first seen, which will be proved by several of my witnesses ; and had not a member of this court asked, during the present trial, the question, whether a gun was fired when the signal was made, a particular fact could never have come to light. On hearing the question asked, I directly, on leaving the court, sent for my gunner, and, on examining his expense-book I find the particular charge of powder, for firing that gun set down in his book, which was the last gun fired.

The assertion that I kept close to the wind, and that the Victory went large, is untrue ; the Victory's log-book is false and erroneous, for we always steered the same course the admiral did ; and had we even been willing to hug the wind close we could not, owing to the want of braces and bowlings. The Formidable's log-book makes the Formidable to have sailed, the early part of the afternoon, two knots four fathoms, afterwards three knots, and at last three knots and a half, which I believe was nearly a true account ; the Victory's log book at those periods makes her to sail only two knotts. Was there any truth in the logs, I own there would be great room for argument ; as I out sailed the Victory, it would have been entirely my fault ; but as the logs are incorrect, the force of reasoning is lost.

The next stage I shall touch upon is that of the message sent to me by the Fox frigate ; I shall confute the evidence that has been given about it from the first to the last. Admiral Keppel says he sent it at five o'clock in which he is supported by some of the officers of his ship. Captain Windsor makes the time earlier ; but they are all false in their accounts, as I will make appear by the minutes produced by Captain Marshall ; and surely, after the high encomiums passed on that officer by Admiral Keppel, he cannot disbelieve him ; Captain Marshall makes the signal for the Fox to come within hail at thirty-two minutes past five o'clock, which is half an hour later ; and if Captain Marshall was three miles from the Victory, and the Fox near him, Admiral Keppel could not send the message before five, but after six o'clock ; and in this Admiral Keppel speaks directly false, for the signal for the Fox was made at thirty-two minutes past five, and not hauled down till three minutes past six o'clock. However, the time first mentioned was most convenient for the plan of my destruction. However, I hope, for Admiral Keppel's sake, that he confounded the Proserpine's signal for that of the Fox ; but that he could not do without impeaching the evidence of Captain Berkley, Captain Windsor, and Admiral Campbell. Captain Windsor swore that he delivered the message about half past five, which will appear to the court to be grossly misrepresented, for he says, the Formidable was three points on his weather quarter, and three miles distant, and before he could gain her he was obliged to make a trip, which must take him more than an hour, notwithstanding he says, he went after the rate of six or seven knots, which would nearly agree with the time it was delivered, which was between seven and eight o'clock, a little before sun set. The sun, in July, in the latitude of Ushant, sets between half past seven and eight o'clock, and to strengthen this we

had repeated the blue flag's particular pendants before Captain Windsor came. The result is that what was said to be delivered at half past five o'clock, was not delivered until half past seven o'clock, a period of two hours' difference, and which makes the time of delivery to be too late to renew the action.

He wrote two letters while at Plymouth, in which he approved of my conduct, and he must either allow that I am innocent, or he guilty of duplicity.

THURSDAY, April 29.

*Sir William Burnaby*, Captain of the Milford frigate, was called by the prisoner; who said, he observed the Formidable particularly the whole afternoon, and she appeared to him to be very much disabled in her rigging and sails. This witness was cross-examined by Captains Colpoys, Duncan, and Sir Chaloner Ogle, and in answer to their several questions gave the following testimony :--

At three-quarters past four he left Admiral Keppel to join Sir Robert Harland. The Victory had the signal for the line flying at that time, but the Formidable had not. About seven o'clock the Milford got into her station on the weather-beam of the Formidable, being appointed to attend the blue division. He saw the blue flag at the mizen-peak of the Victory, but it was not repeated by the vice of the blue. He did not remember to have seen the Fox's signal, nor that any frigate came near the Formidable. Sir William withdrew, and

*Captain Bazeley* was called into court and sworn.

He deposed that when the vice-admiral of the blue went into action, the ship ahead of him was half a mile distant, and the ship astern a mile. After the Formidable wore, the officers and ship's company were ordered immediately to quarters, being within random shot of the enemy, who fired two or three guns at her while she was in the act of wearing. From the circumstances she was in it was impossible for her, notwithstanding any signals that were made, or messages sent, to get into her station in the line unless the Admiral had shortened sail, and it would have been very unsafe for the Formidable to have set more sail upon the fore-mast sooner than she did.

*Captain Bazeley* was cross-examined by Captains Duncan, Peyton, and Robinson.

He described the situation of those ships that were near the Formidable while she was in action. The witness concluded his testimony with an account of the time he brought his fore- topsail to the yard, and with assigning causes why the Formidable was not sooner manageable. Among other matters he mentioned that the fore-mast was rotten, and in danger of coming over the ship's side.

WEDNESDAY, May 5.

The court was opened at half past nine o'clock, when the president acquainted the prisoner that they were not quite ready, but hoped they would not de-

tain him long, upon which the court was immediately cleared, and very warm debates ensued until one o'clock, when the prisoner was called in, and on the audience being admitted, the judge-advocate read as follows :—

At a court-martial assembled on board the Sandwich, in Portsmouth harbour, for the trial of Sir Hugh Palliser, Bart. The minutes of the late court-martial held on Admiral Keppel being laid before the court, and there appearing several facts respecting the conduct of Vice-admiral Sir Hugh Palliser, on the 27th and 28th of July last, which demanded strict examination, the court therefore having heard evidence, and seriously and maturely considered the same, are of opinion,

“ That the conduct of the vice-admiral of the blue on those days was in many instances highly exemplary and meritorious.

“ Yet, at the same time, we think him reprehensible in not having acquainted the admiral, commander-in-chief, of his distress, which he might have done, either by the Fox or other means, which he had in his power.

“ The court therefore, not thinking him censurable in any other respect, do acquit him, and he is hereby accordingly acquitted.

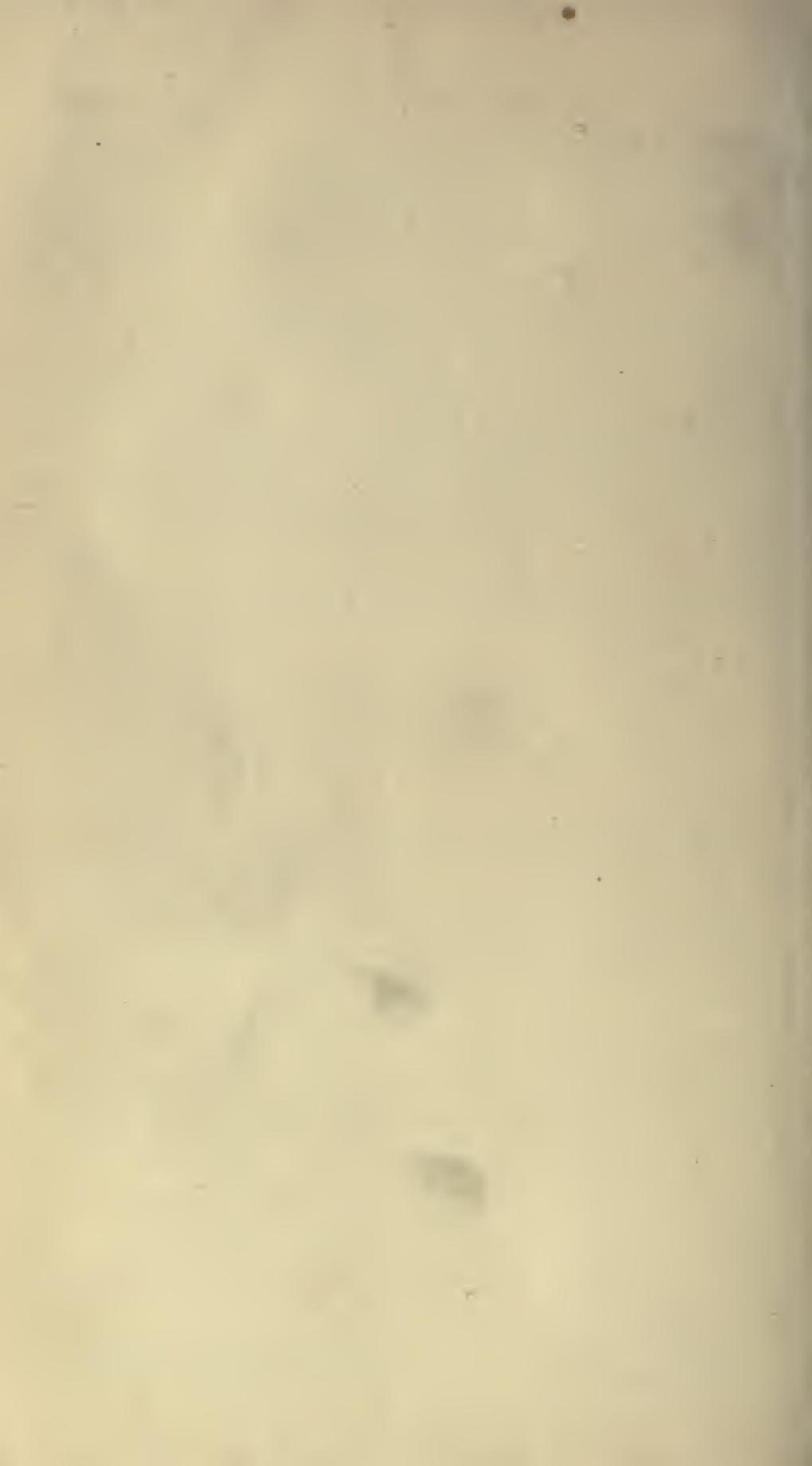
The president then, receiving Sir Hugh Palliser's sword from the marshal, presented it to the vice-admiral, addressing him in the following words :—

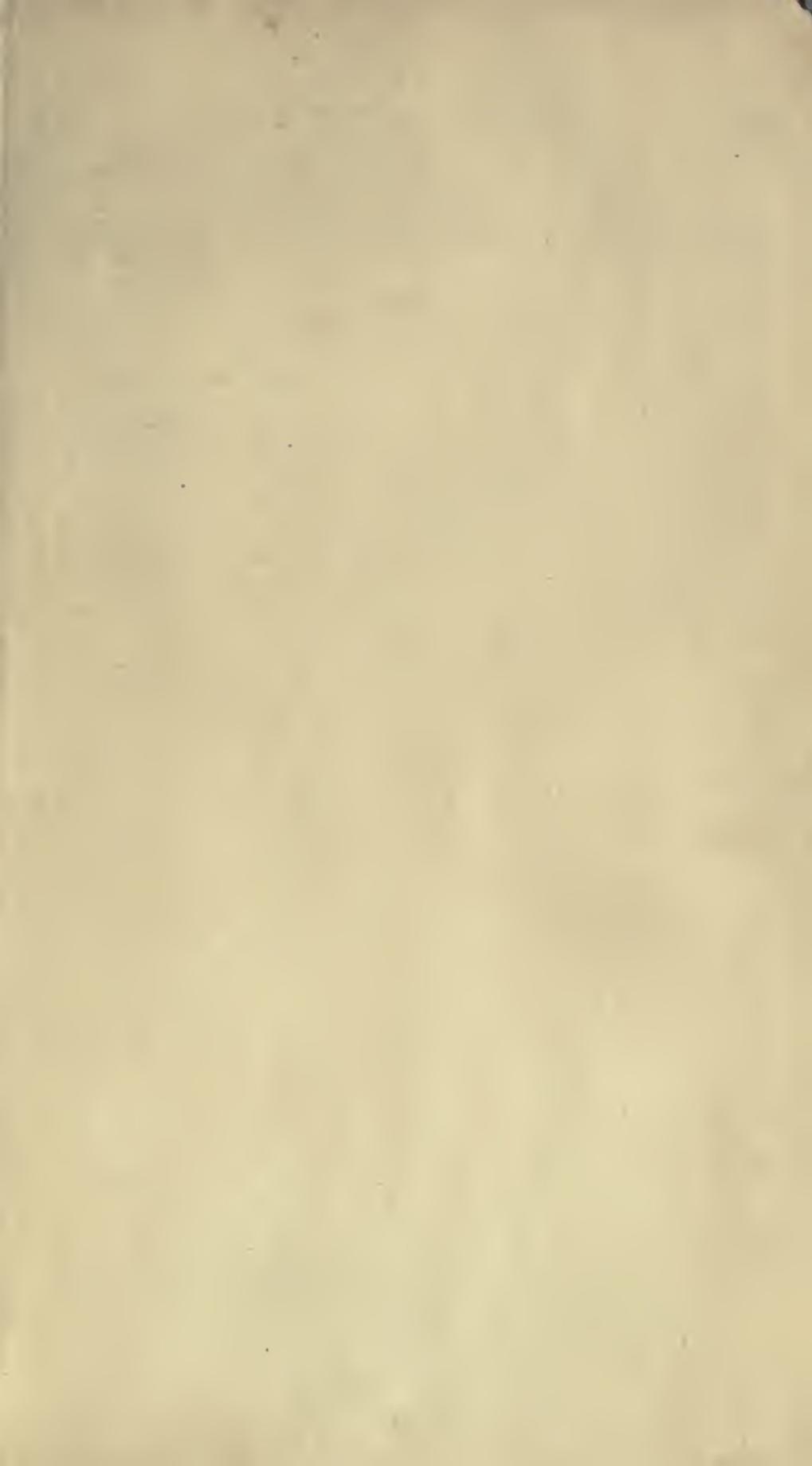
“ SIR HUGH PALLISER,

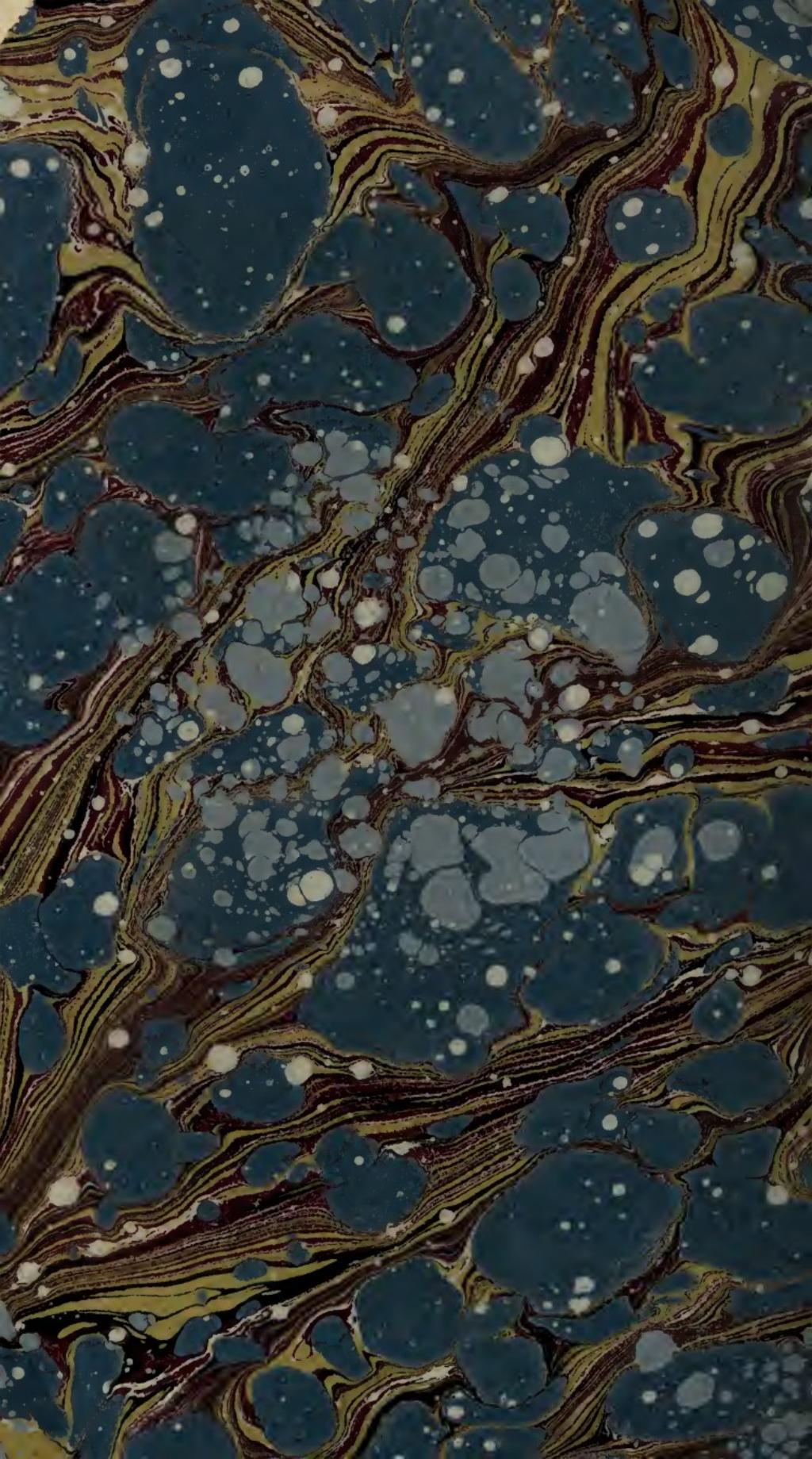
“ I feel the highest satisfaction in being authorised by this court to return your sword, which you have hitherto worn with so much professional reputation, and which, I trust, will be soon drawn again in the honourable defence of your country.”

END OF VOL. IV.









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